Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

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Thursday, 29 October 2015

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

Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Bill 2015

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.02): I move:

> That this bill be agreed to in principle.

Today, I am introducing the Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Bill 2015, which I have developed with the minister assisting on transport reform, Minister Rattenbury. We are very pleased to introduce this bill into the Assembly this week, as a tangible step towards realising the government's strategic transport vision for Canberra and as part of our public transport improvement plan.

Public transport goes much further than just buses and light rail. Almost every day new and innovative ways to undertake passenger travel are presenting themselves, both in markets here in Australia and abroad. They include new methods of booking, tracking and paying for taxi services. They also include "ride sharing", which involves providing on-demand travel services for a fare, primarily through the use of private cars.

These innovative services, and those that will follow, some of which have not even yet been contemplated, present a major opportunity to broaden the range of reliable, safe and accessible transport services for Canberra residents. Hand in hand with this, they also encourage existing businesses to modernise, to review their service and to compete more vigorously in the marketplace. When this happens, the great beneficiaries are consumers, who will, in turn, have access to even greater service value propositions.

My government is all about providing the consumer with more affordable, safe and efficient transport options. From the beginning of this year we started engaging with the community about the future of on-demand transport in the territory. We released a discussion paper that asked specific questions and, through a public consultation phase, the government listened to Canberrans and learnt about how so many of them wanted new ways to travel, new ways to book that travel and new ways to pay for that travel.

We also engaged with industry, both existing taxi and hire car industries and future businesses and potential ride share providers. We listened to the needs, the wants and the concerns of all parties and sought, as good government should, to balance competing interests. But primarily, and I make no apologies for this, we were focused on the consumer and on safety for drivers and passengers. This government took the lead to discuss change, to listen to Canberrans and then to introduce an opportunity for change in the way that we travel in Canberra.

The amendments in this bill foster innovation and new means of providing on-demand transport. In doing so, this legislation also supports several key priorities of the government, including economic growth, stimulating healthy and sustainable competition for the benefit of all residents, and developing Canberra into a leading digital city as well as a great place to do business and to innovate. These reforms will undoubtedly benefit the broader community. The economic modelling undertaken for the government shows that in the five years after the reforms are launched the annual benefit for our economy will be around $3.5 million per year, rising to $4.5 million after 10 years.

Change will be brought about to our on-demand industry in two stages. In the first stage, we have enabled the lawful operation of ride sharing in a timely way through a regulation exemption to be made today. Those agreements have set out strong safety expectations for booking services, drivers and vehicles, including accreditation standards from day one for drivers and vehicles. Also during this first stage, specific and interim compulsory third-party injury and third-party property insurance arrangements will be in place to protect passengers, drivers and the broader community.

Finally, simultaneous with the commencement of the exemption regulation tomorrow, we will introduce, through a notifiable instrument, significant reductions in key regulatory fees and charges for taxi and hire car operators so that they can more readily compete against new modes of travel.

These first-stage amendments will remain in place only until the Assembly's consideration of this bill is concluded and the amendments to the act have commenced. Through the entire reform process, the safety of consumers and the community is at the forefront of the government's approach.

The first stage of reform will present an opportunity to further refine requirements. It also allows members of the Assembly to assess initial changes to the industry, to help inform consideration of this bill. The second stage, which is encompassed in the bill and related regulation amendments, presents a regulatory framework that will more fully allow for innovation to, and competition in, the taxi and hire car market, again for the benefit of ACT consumers. It will address aspects of public safety, accessibility, consumer protection and ongoing provision of services on a more level playing field.

Broadly, the bill will allow for the entry of ride sharing into our on-demand public transport market. Specifically, it will introduce the concept of ride sharing and define

its associated participants and trade equipment, which includes booking services, drivers, vehicle owners, and the vehicles themselves. Further, the bill will support public safety through defining appropriate licensing, accreditation and insurance requirements for on-demand transport providers.

The proposed bill recognises that new and existing businesses will operate in the territory. To address risk, the regulatory framework puts in place a framework for vehicle and driver licensing, and operational requirements that are largely similar, with some intended differences, based on the nature and operation of services provided.

The proposed bill will introduce the concept of the transport booking service, TBS, to apply across all on-demand transport business types. Broadly, the bill provides for a regulated approach to ride sharing that is comparable in terms of intended outcomes for community safety and accessibility.

The bill will not amend all requirements in the act, and this is in order to allow for government action in the transition period. More specifically, it will allow for refining and reducing regulatory burdens, and this will be achieved chiefly through subordinate legislation and other instruments.

The community clearly wants taxis and hire car services to continue to play a role in on-demand transport. The government intends that these services remain available and form the basis of a differentiated service and competition for the industry.

The bill addresses that community objective by several means. For the entire taxi industry, the bill removes unnecessary regulatory burdens on taxi services such as prescriptive requirements on operational matters. It also removes restrictions on operators' and drivers' ability to access work through multiple booking services. And it supports driver viability outcomes, particularly through more accessible workers compensation and dispute resolution mechanisms.

Today, annual taxi plate leasing from the government costs $20,000 per annum per vehicle. An initial reduction of this fee will occur during the first stages of reforms, from $20,000 to $10,000. Additional fee reduction will occur for taxi operators towards the end of 2016, when taxi vehicle licence fees will decline even further, from $10,000 to $5,000 annually.

This bill helps us protect consumer pricing outcomes. We are therefore allowing for the regulation of prices, and this extends to ride sharing and hire car services. This recognises that new kinds of transport services may introduce pricing practices that may not align fully with government intentions or consumer outcomes and equity. It gives the government tools—only if required, I stress—to stop or place limitations on any future undesirable pricing practices. The bill also allows for a regulated reduction in the surcharge on electronic payments made in on-demand transportation vehicles, from 10 to 11 per cent back down to five per cent.

Let me take this opportunity to speak more about safety. This bill clearly recognises that while there can be many kinds of on-demand transport businesses operating in the

ACT, Canberrans will expect a strong baseline of safety from all of them. Therefore, under licensing and accreditation requirements, the government requires all public passenger drivers participating in ride share to undergo a police background and traffic history check and a commercial driver health assessment. Vehicles using ride sharing must also undergo a safety check, by either the Road Transport Authority or an accredited vehicle inspection provider. The bill also enables our Road Transport Authority to collect data on drivers and vehicles to help in monitoring and enforcement. These requirements and others are central to upholding the safety of our community and of travellers in the territory. I would like to reiterate that these safety measures will be required even during the first phase of reforms that begin tomorrow.

I have spoken this morning about a great deal of industry change. But it is important that we make clear that there will be no change to the wheelchair accessible taxi service, the WAT service, or the centralised booking service for WAT passengers and drivers' use, or of the taxi subsidy scheme. Over the next two years, we will observe the WAT service carefully and make sure the customer experience is not impacted in a negative way.

Secondly, the taxi subsidy scheme will not apply to ride-sharing services in the ACT. The scheme represents a substantial fare subsidy arrangement, and this decision reflects another important way of supporting the quality and standard of the WAT taxi service. Thirdly, standard and WAT taxis will continue to play an exclusive role in providing rank and hail services. This type of service continues to be vitally important to both Canberrans and travellers to the territory.

Whilst this bill provides a framework, significant transition requires the government to undertake an ongoing process of review and ability to make changes, if needed. The regulatory framework proposed in this bill lays the foundation for a safe, accessible, competitive and sustainable on-demand transportation industry. Over the next 24 months we will observe and evaluate consumer and safety outcomes; supply, demand and pricing behaviours; and other factors that affect the broad range of stakeholders. We will determine over time if any interventions are needed.

The timely regulation of ride sharing in the territory, and our broader goal to bring innovation to this industry, reflects leadership in bringing forward innovation for the benefit of Canberrans. We do this so that the ACT becomes an even better place to live, to work, to study and to travel in.

Through this bill, Canberra will be the first capital in the world to regulate ride sharing before it operates. The ACT will be one of only a handful of jurisdictions of any kind in the world to do this. These "firsts" reflect our focus on introducing innovation and supporting innovation that benefits everyone.

The government embraces innovation, and this bill will contribute specifically to our goal of being a leading digital city. But our objectives for this city run deeper than that. Over time, we want to embrace new ways of supplying goods and services and new ways of consuming them, provided that these new ways firmly fit with our values and community expectations. These values include safety and privacy; the opportunity to choose and to have better consumer experiences; the opportunity to get more value

out of what we buy and more value out of what we own; the opportunity to compete; and greater opportunity in how we work, and when and for how long. These values can be supported by our considered adoption of aspects of what we know as the sharing economy. Such opportunities are presenting themselves at an accelerated pace in the on-demand transport sector. We are embracing them. But they also lie elsewhere, in other economic sectors, and where our values intersect, we will embrace them too.

In closing, the introduction of this bill presents a clear step forward for transport services in Canberra, a clear step forward for our city into embracing innovation, and a very tangible way of making travel better for Canberrans. I commend this bill to the Assembly.

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

Revenue (Charitable Organisations) Legislation Amendment Bill 2015

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.17): I move:

> That this bill be agreed to in principle.

Today I introduce legislation amending the Duties Act 1990, the Payroll Tax Act 2011, the Rates Act 2004 and the Taxation Administration Act 1999 to reform the charitable tax exemptions available to certain types of organisations.

Under ACT tax law, charities are eligible for a number of concessions and exemptions and these reflect the traditional value of charitable work and the wide variety of benefits that charities provide to the community.

Tax exemptions for charities include an exemption from payroll tax, a rates exemption for land use exclusively for charitable purposes, and exemptions or concessions from various forms of duty. The legal meaning of the term "charity" has developed largely according to the common law in Australia. Historically, it has been left to the courts to determine whether a body should be treated as charitable. Under the common law, charities are grouped into four categories: benevolent charities, religious charities, educational charities and charities for other beneficial purposes, also known as "fourth limb" charities.

Recently a number of decisions in the commonwealth and state courts have widened the common law meaning of "charity" under the fourth limb. Charities now include several kinds of bodies that would not be considered charities in the popular sense. These include chambers of commerce, commercial and industry peak bodies and

professional organisations. Due to the widening scope of charitable activities, these bodies have gained the ability to access lucrative tax exemptions that did not previously apply to them. This is in spite of their primary focus on business, political and industrial activities, as opposed to genuine charitable services.

These legal developments raise significant revenue concerns for our community and if the meaning of "charity" continues to expand in this way it could put at risk the ability of states and territories to maintain a sustainable tax exemption for all charities. The ACT is in a particularly vulnerable position. As the nation's capital, a large number of peak bodies and professional societies are headquartered in Canberra. These bodies employ hundreds of employees Australia wide and should be expected to contribute to the territory's revenue base, as other businesses do.

The uncontrolled extension of charitable exemptions to professional and commercial lobby groups poses a serious revenue risk. To address this risk and to ensure a sustainable system for all other charities, this bill defines four categories of excluded organisation that cannot obtain tax exemptions regardless of their status as a charity under the common law.

The first and second types of excluded organisations are political parties and unions. These types of bodies are not considered charitable under the current law, but this legislation prevents them from obtaining tax-exempt status in the future, should the common law definition expand to cover them. The third and fourth types are professional associations and organisations promoting trade, industry and commerce. These organisations are generally made up of members, such as individual professionals or fee-paying businesses.

In practice, these organisations engage in significant public advocacy, including government lobbying, to secure policy outcomes that will benefit their particular industry or profession. This narrow focus is incompatible with community views about acceptable charitable activities. This is not to say that these organisations never engage in beneficial community activities. Rather, the government considers that they exist mainly to serve their members' interests and not the broader community's.

Whilst this bill clearly excludes certain categories of body from obtaining charitable exemptions, it contains three important safeguards to protect more traditional charities. First, the bill is targeted only at entities with a purpose incompatible with the legislation. This means that the status quo is maintained for most charities in the ACT. For example, the following types of charities will not be affected: animal welfare bodies; anti-discrimination bodies; aged care organisations; charities relieving poverty; churches and other religious organisations; cultural institutions; early childhood and primary schools; environmental organisations; and hospitals.

Second, if a professional, industry, trade or commerce organisation with strong charitable motives still loses its exemption under the amendments, the Commissioner for ACT Revenue will be able to make a beneficial organisation determination that will reinstate its tax exempt status. The commissioner can only make a determination if satisfied the organisation has a predominantly charitable purpose, has excluding features that are not significant, and provides benefits to the community generally, not just a narrow group.

Third, the bill protects revenue by preventing past tax liabilities from being reassessed for excluded organisations on charitable grounds. This is necessary to secure revenue. As excluded organisations have the right to lodge late objections to tax assessments, there is a risk that they will be able to legally claim refunds for past periods if they were considered charities under the common law up to the point the bill commences. This bill stops excluded organisations claiming refunds unless they obtain a beneficial organisation determination from the commissioner, enabling them to receive a refund. Retrospectivity is necessary to maintain a sustainable tax exemption for all charities. Without this element, affected organisations could still dispute their past liabilities, placing millions of dollars of collected tax at risk.

I would like now to strongly emphasise that this bill will affect only the charitable exemptions for organisations that are chambers of commerce, professional societies and commercial peak bodies. These are large bodies that pay wages above the ACT's already very generous payroll-tax-free threshold of $1.85 million a year in Australia-wide wages—soon to be $2 million—and the bill will ensure that they pay their fair share of tax.

The government supports the good work of charitable organisations and is legislating to maintain a sustainable tax system. This bill will focus the scope of charitable exemptions to where they are most deserved. Maintaining a strong revenue base for the territory is in the interests of the whole community and I commend the bill to the Assembly.

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

Revenue Legislation Amendment Bill 2015

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.25): I move:

> That this bill be agreed to in principle.

I present to the Assembly the Revenue Legislation Amendment Bill 2015, which aims to improve, clarify and simplify legislation administered by the ACT Revenue Office. The Revenue Office has identified legislative and administrative areas where various tax laws could be improved. The minor policy and technical amendments as presented in this bill ensure that ACT tax laws operate efficiently and effectively, whilst protecting the integrity of the territory's taxation system.

This omnibus bill amends a number of the territory's taxation acts, including the Duties Act 1999, the Land Tax Act 2004 and the Taxation Administration Act

1999. The bill will amend the Duties Act to clarify the duty exemptions and concessions that apply for the transfer of dutiable property in a deceased estate, if the transaction does not conform to the will. This will promote administrative simplicity and equity to taxpayers while providing greater understanding of these provisions to taxpayers. It will also allow trustees to better administer an estate in accordance with their circumstances.

The Duties Act will also be amended to increase the duty relief provided to eligible corporate groups which undergo a reconstruction. Currently, 95 per cent duty relief is provided if the eligibility criteria are met. This bill increases this relief to a full 100 per cent. This full duty exemption will reduce costs and red tape associated with corporate restructuring, allowing the transfer of assets without the impediment of tax implications. This aligns with the government's priority of growing the economy, while aligning the ACT with other jurisdictions that already provide this exemption.

Amendments to the Land Tax Act will introduce a new application process for an existing land tax exemption. This exemption is available for a period of two years to corporations that are builders or developers, if the relevant parcel of land is used to construct new residential premises to be sold when finished. The Revenue Office has previously applied this exemption automatically, resulting in taxpayers being unaware of their tax obligations. In future, builders and developers will have to apply to receive the exemption. This will allow revenue officers to inform corporate builders and developers about the requirements of the exemption, thus decreasing the chances of tax defaults and penalties when the exemption ceases after the two-year period.

This bill consolidates the sale of land provisions currently contained separately in the Rates Act and Land Tax Act. These provisions allow the Commissioner for ACT Revenue to sell property through an application to a court where general rates or land tax have been in arrears for a number of years and all other debt recovery options have been exhausted.

The bill consolidates the sale of land system into one place in the Taxation Administration Act and makes a number of changes to the provisions such as the removal of obsolete provisions and provides further explanation on the sale of land process. This lends legislative and administrative clarity to the sale of land provisions. Overall, these provisions are important to ensure equity for taxpayers across the territory in the payment of general rates, while protecting government revenue.

This bill will provide ACT taxpayers with the ability to lodge an objection to the commissioner following a decision to refuse to remit interest charged on an assessment of rates or land tax. Currently, taxpayers do not have this right for rates and land tax, unlike other tax lines where this objection right already exists. The amendments in this bill allowing these objection rights increase equity and ensure appropriate taxpayer access to the objection process.

Overall, the Revenue Legislation Amendment Bill will improve how the ACT tax system functions for both taxpayers and administrators, as it simplifies processes and reduces red tape. The bill will update legislation to rectify minor errors and clarify processes, while making amendments to better align the ACT with other jurisdictions.

It is important that the government regularly review legislation to ensure that the law is operating equitably and as intended. The efficiencies introduced with this bill complement and progress the work the ACT Revenue Office is undertaking as part of the revenue collection transformation project. This project will modernise the ACT Revenue Office and deliver faster, better and smarter digital services and a clear understanding of customer needs. I commend this bill to the Assembly.

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

Statute Law Amendment Bill 2015 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.30): I move:

> That this bill be agreed to in principle.

Madam Speaker, the Statute Law Amendment Bill 2015 (No 2) makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The program provides for amendments that are minor or technical and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and are inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. The program is implemented by presenting a statute law amendment bill such as this in each sitting of the Assembly and including further technical amendments in other amending legislation, where appropriate.

Statute law amendment bills serve the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up to date and are easier to find, read and understand. Statute law amendment bills also provide an important and useful mode for continually modernising the statute book. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum, consistent standard in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

This bill deals with three kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by a government agency that require approval by the Chief Minister. Schedule 2 contains amendments of the Legislation Act proposed by the parliamentary counsel to ensure that the overall structure of the

statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation.

Let me turn briefly to a few of the substantive matters dealt with by this bill. Schedule 4 of the bill amends the Auditor-General Act 1996 by omitting section 17(6) and inserting new section 21. Under current section 17(6) the minister must prepare a response to an Auditor-General's report made under section 17 and present the response within three months after the day the report was presented to the Assembly. New section 21 contains the substance of section 17(6) but gives the minister more flexibility in how a response may be presented to the Assembly. The period for presenting the response is also extended from three months to four months.

Under new section 21, the minister must either present the response to the Assembly or give the response and a copy of the response for each Assembly member to the Speaker. If the minister gives the response to the Speaker the minister must present the response to the Assembly on the next sitting day, or, if the next sitting day is the first meeting of the Assembly after a general election of Assembly members, then on the second sitting day after the election. The increased flexibility provided by these measures will result in more efficient procedures.

The Medicines, Poisons and Therapeutic Goods Act 2008 and the Medicines, Poisons and Therapeutic Goods Regulation 2008 are amended by this bill to bring them in line with the current Poisons Standard June 2015. The poisons standard is made under the Therapeutic Goods Act 1989 of the commonwealth. This standard comprises the standard for the Uniform Scheduling of Medicines and Poisons No 7 and is already adopted by reference under the ACT act. It contains requirements for controlling medicines and poisons, including their packaging, labelling, storage, sale and supply. Cross-references to the standard in the ACT act and regulation are updated in line with the current commonwealth standard. These changes are aimed at establishing a set of uniform poison controls for adoption by all jurisdictions and the commonwealth consulted with all jurisdictions, including the ACT, in progressing the changes.

Amendments are made to the Road Transport (Third-Party Insurance) Act 2008, sections 102 and 150, and a new transitional chapter—chapter 11—is included. Section 102 defines "required document" for a motor accident claim for part 4.3. Paragraphs (b) and (c) of the definition provide that a required document is a report about the claimant's medical condition, prospects of rehabilitation, cognitive, functional or vocational capacity. These matters must be disclosed to the respondent prior to a trial. However, it is not clear whether surveillance film created by investigators about these matters comes within paragraphs (b) and (c) of the definition of "required document". Section 102 is amended to clarify that surveillance film is included within the meaning of "required document", paragraphs (b) and (c), to ensure that parties have enough information to assess the liability and quantum for motor accident claims. A new transitional chapter—chapter 11—is inserted to make it clear that the amendment of the definition of "required document" in section 102 applies only to motor accident claims made after the commencement of the

amendment. Section 295 in chapter 11 provides that the chapter expires 12 months after the amendments of the Road Transport (Third-Party Insurance) Act 2008 commence.

Section 150 allows a claimant, with the court's leave, to begin an urgent court proceeding based on a motor accident claim even if certain time limits under the act, part 4.9, which is about court proceedings, are not complied with. Consequently, other pre-trial requirements set out in the act, chapter 4, designed to reduce litigation such as compulsory pre-trial conferences and mandatory final offers of settlement, could also be dispensed with under section 150. The amendments to section 150(1) and (3) replace the word "part" with "chapter" and enable the court to stay proceedings and order parties to comply with pre-trial requirements such as compulsory conferences and exchanging final offers before taking further action.

Section 150(4) currently enables the court to not stay the proceeding if satisfied that the claimant is suffering from a terminal condition and the trial should be expedited for this reason. The amendment to section 150(5) provides that in these circumstances part 4.7 (compulsory conferences before court proceedings), part 4.8 (mandatory final offers) and part 4.9 (court proceedings)—other than section 150—do not apply. However, the other parts of chapter 4, such as part 4.2—motor accident claims procedures—will still apply as this sets out the processes by which the claimant for a motor accident brings a court proceeding against a respondent for the claim.

Schedule 2 contains minor, non-controversial structural amendments of the Legislation Act 2001 initiated by the Parliamentary Counsel's Office. Structural issues are particularly concerned with making the statute book more coherent and concise and therefore more accessible. Strategies to achieve these objectives include avoiding unnecessary duplication and achieving the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

In this bill, Madam Speaker, the Legislation Act is amended to provide more flexibility in relation to legislative tabling requirements for documents that must be presented to the Assembly within a stated period. The amendment allows these documents to be tabled in the Assembly outside the sitting period. For example, the minister's response to an Ombudsman's report must be presented in the Assembly within three months of the report being tabled. However, if the Ombudsman provided a report to the government immediately before the last sitting day of the year, or on the last sitting day of the Assembly before an election, there might be no realistic way for the government of the day to respond to the report within the required three months. Enabling these documents to be tabled out of session will provide more flexibility and increase government efficiency where the government might otherwise be unable to comply with a tabling requirement because of the timing of Assembly sittings. It is not intended that presentation out of session become the usual practice, rather, another option to make it easier to comply with tabling requirements.

A minor amendment is also made to the Legislation Act, section 104, to omit a redundant section definition of "statutory instrument" of another jurisdiction.

Schedule 3 includes amendments of acts and regulations that have been reviewed as part of an ongoing program of updating and improving the language and form of legislation. These amendments are explained in the explanatory notes and are routine and technical matters such as the correction of minor errors, improving syntax and omitting redundant provisions.

In particular, Madam Speaker, amendments are made in schedule 3 to various pieces of legislation to reflect changes made by the Customs and Other Legislation Amendment (Australian Border Force) Act 2015 of the Commonwealth. For example, references to the "Australian Customs Service" have been changed to the "Department of Immigration and Border Protection (Cwlth)" and the "chief executive officer of Australian Customs and Border Protection Service" has become the "Comptroller-General of Customs".

Finally, Madam Speaker, in addition to the explanatory notes in the bill, the parliamentary counsel of course remains available to provide any further explanation or information that members seek. I commend the bill to the Assembly.

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

Courts Legislation Amendment Bill 2015 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.41): I move:

> That this bill be agreed to in principle.

I am pleased to present this bill this morning. The bill continues this government's good record of introducing amendments that will make practical improvements to the operation of the ACT's court and tribunal system. It reinforces the government's ongoing commitment to both achieving efficiencies and improving access to justice for citizens of Canberra.

The bill introduces important changes to improve the Supreme Court's jury system. It proposes to amend the Juries Act 1967 to allow potential jurors to be identified by a number, rather than by name and occupation. This amendment is being made at the request of the Chief Justice, and is supported by justice system stakeholders. The change will militate against the possibility of jurors being identified later by people on whose case they are sitting. It is designed to protect the privacy of individuals, reduce any fears of reprisals, and reinforce the confidential nature of the deliberations of a jury. The new system will bring the ACT into line with other Australian jurisdictions, and is modelled on the jury system in New South Wales.

The bill also contains amendments that continue the government's priority of improving the operation of our coronial system. It proposes changes to the health care-related death provisions in the Coroners Act 1997 that will clarify and streamline the requirements for coronial investigations in cases involving health care-related deaths.

These amendments will clarify that a coronial inquest must be held for a death where the death appears to be completely or partly attributable to a medical operation or procedure, but remove the obligation for a coroner to consider a death only because it occurs within a set time frame, currently legislated as 24 hours, after a medical operation or procedure that precedes the death. The amendments also provide an own-motion power for the Chief Coroner to consider health care-related deaths in circumstances that, in the opinion of the Chief Coroner, should be better ascertained, and inserts a provision in the Coroners Act to provide a protection for third parties making disclosures to a coroner.

These amendments will reduce the number of deaths that need to be investigated merely because they fall within an arbitrary time limit. Instead, only deaths that really need to be investigated will be investigated. The changes also mean that people who are required to provide information to assist the coroner with an investigation, or who provide information to the coroner because they believe on reasonable grounds this will assist the coroner, can do so without being liable for a breach of confidence, or professional ethics or conduct rules.

I would like to express my thanks to the Chief Coroner, other coroners and staff in ACT Health, and ACT Policing, who participated in the consultation process and assisted with the preparation of these amendments to improve the coronial processes.

The Coroners Act will also be amended to provide that for a special magistrate to be a coroner in the ACT, they must be separately appointed as such by the Chief Coroner. Currently, this is an automatic appointment. It is important that people appointed as coroners have the necessary expertise and experience to deal with coronial matters, which can be particularly complex and sensitive. This amendment is not retrospective in its operation but will apply to future appointments.

The bill will also make a valuable amendment to the criminal trial process in the ACT. It introduces a committal waiver provision that allows a magistrate, on application by the accused and with the consent of the prosecution, to commit the accused for trial without a committal hearing. This will increase efficiency in the court system in consent cases.

A form will be required to be submitted by the accused to apply for a committal waiver. It will require the accused to consent to the waiver and their legal representative to acknowledge that there is a case to answer. The form will require a list of the documents contained in the committal brief to ensure both parties understand the extent of the case at the time the committal hearing is waived. Legal representatives will be required to advise their clients of the case against them so the accused can make an informed decision on whether to waive the committal hearing.

In cases where an application is filed, the magistrate has a discretion whether or not to waive committal proceedings. Where an application is made by an accused who is representing themselves, the accused is safeguarded by the magistrate's discretion to refuse the application. This proposal has been put forward by the legal profession, and is supported by the Chief Magistrate and the Director of Public Prosecutions. The amendment is modelled on the committal waiver provision in the Criminal Procedure Act 1986 of New South Wales.

In addition, the bill introduces a number of other changes that will make technical or minor amendments to clarify and improve the operation of court, tribunal and appointment processes in the ACT.

The bill proposes to insert a high level aspirational provision in the Court Procedures Act 2004 to provide that the purpose of the civil proceedings provisions is to facilitate the just resolution of disputes according to law, and as quickly, inexpensively and efficiently as possible. An equivalent provision exists in the court procedures rules already, but elevating it to the act will have practical benefits that will improve access to justice for the community. It is intended to increase the likelihood that all matters will be heard more promptly and to promote that disputes should be resolved at a cost that is proportionate to the importance and complexity of the matters in dispute. I thank the Joint Rules Advisory Committee for proposing this amendment.

The bill will amend the ACT Civil and Administrative Tribunal Act 2008 to remove any legislative impediment to the efficient sharing of courtroom facilities between the ACAT and the Magistrates Court where this is agreed by the General President and the Chief Magistrate. This amendment was proposed by the Bar Association and I thank them for this suggestion.

Another amendment will defer the commencement of the new statutory framework for the handling of complaints against judicial officers in the ACT. The amendments made to the Judicial Commissions Act 1994 to create this new framework will now commence on 1 February 2017 or by earlier written ministerial notice. This will provide further time to ensure the appropriate structure and resources can be put in place to support the new complaints mechanism. Until it commences, the existing system for complaints will continue to operate.

The bill will also simplify the reappointment process of Law Society, Bar Association and ACT Council of Social Service nominees to the legal aid board. It will make minor consequential amendments to legislation to remove redundant references and reflect name changes made by changes to Northern Territory legislation. It will clarify that the Freedom of Information Act 1989 only applies to a court in relation to matters of an administrative nature, and it will amend the provision in the Court Procedures Act relating to the recovery of court or tribunal fees from an unsuccessful party in civil proceedings to provide that the unsuccessful party must pay the exempted fee "if required to do so by the court or ACAT". This provides the court and tribunal with a discretion to decide if it is worth pursuing the fee in a particular case.

The bill will make a number of changes related to the repeal of the Mediation Act. It will provide for appropriate protections in relation to confidentiality and immunity for court-referred mediations and ensure these protections extend to any mediation proceedings in any court. An amendment will also be made in line with the Victorian Civil and Administrative Tribunal Act 1998 to provide that evidence of anything said or done in the course of mediation is not admissible in any hearing before ACAT in the proceeding, unless all parties agree to the giving of the evidence. This will remove the possibility of an interpretation that restricts the intended application of the provision.

Finally, the bill will make the position of Principal Registrar of the ACT Courts and Tribunal a statutory appointment. Making this a statutory position will give the position legislative authority and bring the ACT into line with other jurisdictions. I commend the bill to the Assembly.

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

Electoral Amendment Bill 2015

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

Title read by Clerk.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.50): I move:

> That this bill be agreed to in principle.

I am pleased to present the Electoral Amendment Bill 2015 today. This bill will amend the Electoral Act 1992. The bill will clarify the application of the Electoral Act to the communications allowance paid to members as part of their salary under the recent Remuneration Tribunal determination. Since 1 July 2014 a communications allowance has been paid to MLAs as part of their salary. The communications allowance is a single allowance replacing a number of allowances formerly paid to members to assist them in performing their functions as members, including the discretionary office allowance previously administered by the Office of the Legislative Assembly.

This bill amends the Electoral Act to make it clear that the new communications allowance is to be treated in the same way as the previous discretionary office allowance in relation to electoral expenditure. The effect of the bill is that expenditure undertaken by members using their communication allowance that could potentially fall within the definition of electoral expenditure is explicitly excluded from the definition of electoral expenditure and is excluded from the items required to be reported as amounts paid in the annual returns by parties and members.

It is important to provide clarity around this issue before the capped expenditure period for the 2016 election commences on 1 January next year. Without this clarity it might be argued that members, in using their communications allowance to carry out their normal constituent functions as members, are using these funds for electoral expenditure. For example, in responding to a constituent on a particular matter a member may incidentally comment on the performance of the government. This bill will remove that uncertainty and ensure that members do not inadvertently breach the requirements in relation to electoral expenditure.

I commend the bill to the Assembly.

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

Road Transport Legislation Amendment Bill 2015 (No 2)

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

Title read by Clerk.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform) (10.53): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Road Transport Legislation Amendment Bill 2015 (No 2) in the Assembly today. This bill makes a number of amendments to the road transport legislation to improve road safety and improve the administration and enforcement of the road transport legislation. Two of the amendments made by the bill also support the goals of the digital Canberra action plan to assist the government to better engage with citizens and deliver services more efficiently to meet the needs of the community.

The first amendment made by this bill will allow for electronic service of infringement notices. An infringement notice can currently be served on an individual either in person or by posting the notice to the person's home or business address. This amendment will give an individual the option to receive an infringement notice more quickly and efficiently by electronic means such as email. Members may be aware that electronic service of infringement notices was recently trialled in New South Wales, with positive results. This amendment will provide members of the community with a more convenient method of receiving infringement notices. It will also create administrative efficiencies which will allow government and policing resources to be better allocated.

The second amendment made by this bill is to allow certain infringement notice declarations to be completed online. Currently a person who has been served with an infringement notice in relation to an alleged road transport offence may provide a

statutory declaration to the Road Transport Authority to declare that he or she was not the person who has committed the offence and to provide details of the person who is alleged to have been driving the vehicle at the time of the offence. This is known as an infringement notice declaration. This declaration allows the infringement notice to be redirected to the appropriate person.

This amendment provides an online alternative to the current method of submitting an infringement notice declaration by way of statutory declaration. This means that a person served with an infringement notice who alleges that he or she was not driving the vehicle at the time of the alleged offence has the option of making an online declaration stating that the vehicle was used by another identified person without consent or the vehicle was in the possession of another identified person or the vehicle had been sold or disposed of to an identified person before the time of the offence. This amendment will provide members of the community with a quicker and more convenient method of responding to infringement notices where they were not driving the relevant vehicle at the time of the alleged offence.

The third amendment made by the bill will create consistency in the appeal rights of drivers who face default disqualification of their driver licence for a drink or drug driving offence. A person who is convicted of a relevant drink or drug driving offence is automatically disqualified from driving for a default period under the legislation unless the court orders a shorter period of disqualification.

The current legislation has been interpreted by the courts to mean that only drivers who are sentenced by the court to a shorter period of disqualification are able to appeal. Under this interpretation drivers who are sentenced to the default period of disqualification cannot appeal their sentence. This amendment will provide equality of treatment for all drivers by ensuring that those who are disqualified for the default period and those who are disqualified for a shorter period are both able to appeal their sentences.

The fourth amendment made by this bill removes from the Crimes Act an existing police power of entry to arrest for a drink or drug driving offence. This power is redundant as police operate under the provisions of the road transport legislation, not the Crimes Act, when dealing with drug and drink driving offences.

The bill also amends the road transport legislation to provide police with a limited power to enter premises to require alcohol and drug screening tests where a number of particular preconditions are satisfied. The first of these preconditions is that police must have a reasonable suspicion that a person has committed a drink or drug driving offence. This suspicion may arise from, for example, a police officer observing the driver driving erratically or exiting a licensed venue with a demeanour that suggests intoxication or impairment before driving a vehicle.

The next precondition is that police must have a reasonable suspicion that that person was also either the driver of a vehicle that was involved in a road accident or has failed to comply with a police request to stop a vehicle the person was driving on a road or road-related area. The third precondition is that police must have an existing power under the Road Transport (Alcohol and Drugs) Act to require that person to undergo alcohol or drug screening tests.

The final precondition is that police must reasonably believe that the person is on the premises. Police are then able to enter the premises to require drug or alcohol screening tests under the existing provisions of the Road Transport (Alcohol and Drugs) Act. When doing so, police will be subject to the existing restrictions on testing contained within that act, including the time limits relating to how long after a person stopped driving or is involved in an accident a screening test can be undertaken. For example, where there has been a road accident police cannot require a test if more than two hours have passed since the accident occurred. This means that police cannot enter premises to require a test if more than two hours have passed since the accident. In the case of a driver failing to stop when required by police, police cannot enter premises to require a screening test if more than two hours have elapsed since the person ceased to be the driver of the motor vehicle.

The amendment also provides that police officers who enter premises for the purpose of requiring a person to undergo a drug or alcohol screening test must not remain there for longer than is required to conduct those tests. The need for this amendment arises in the context of drivers who are involved in a road accident, leave the accident and enter and remain within a premises where they cannot be tested for drink or drug driving until the relevant evidence, that is, their blood alcohol concentration or a proscribed drug in their system, is no longer present.

It also applies in the context of drivers who, while driving, appear to be under the influence of alcohol or drugs and when requested to stop by police refuse to do so and instead quickly enter premises to avoid testing and any resulting sanctions for drink or drug driving. In both circumstances these drivers pose a significant road safety risk yet are currently able to avoid sanction by entering premises to prevent police conducting testing. By avoiding a sanction such drivers can continue engaging in dangerous drink and drug driving behaviours and threatening the safety of all other road users.

Members, it is a sad fact that in both 2013 and 2014 over half of the deaths that occurred as a result of road accidents in the ACT involved a driver or motorcycle rider who had a blood alcohol concentration above the legal limit or a proscribed drug in his or her system. It is undeniable that there is a real risk of death and injury associated with drink and drug driving. This amendment will greatly enhance ACT Policing's abilities to protect all road users by ensuring that those individuals who drink or drug drive can be detected and appropriately sanctioned and prevented from continuing these behaviours.

The fifth amendment made by the bill relates to drivers who receive an immediate licence suspension notice. Currently the legislation provides that drivers with an ACT drivers licence who are convicted of a drink or drug driving offence automatically have their period of disqualification reduced by the number of days their licences have been suspended since receiving an immediate suspension notice. However this reduction does not apply to interstate and foreign driver licence holders. The amendment ensures that all drivers are treated equally in this regard. This also has the benefit of better aligning the ACT road transport legislation with the New South Wales legislation.

The final amendment made by this bill relates to claims made by some drivers they are not aware of the suspension of their drivers licence and the implication of this in prosecutions for unlicensed driving. ACT Policing regularly encounter claims from drivers whose licences have been suspended but the driver was not aware of the suspension of their licence. Drivers often claim that they did not receive a licence suspension notice. Under existing provisions in the road transport legislation the Road Transport Authority may serve a notice of licence suspension on a driver in a number of circumstances including where the driver has accumulated more than the maximum number of demerit points, failed to pay infringement notice penalties or failed to comply with an infringement notice management plan.

The amendment provides that where a suspension notice has been sent to a person and police encounter an unlicensed driver and advise the driver of that suspension the driver is taken to be aware that his or her licence has been suspended. Police will advise the Road Transport Authority when they have informed a driver of the drivers licence suspension so that this can be documented in authority records. This will be relevant in circumstances where a driver is subsequently detected driving while unlicensed and claims that he or she did not receive the initial notice of the suspension from the authority and was therefore unaware that he or she should not have been driving. The amendment will ensure that suspended drivers cannot continue to claim to be unaware of the status of their licence once they have been advised by a police officer that the licence is suspended. This amendment supports the government's commitment to improving road safety and the enforcement of the road transport legislation.

This bill makes a number of important changes to the road transport legislation. These changes will assist enforcement efforts and continues this government's ongoing efforts of achieving a safe road transport system for all Canberrans. I commend the bill to the Assembly.

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

Animal Diseases (Beekeeping) Amendment Bill 2015

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

Title read by Clerk.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform) (11.04): I move:

> That this bill be agreed to in principle.

Today I present to the Assembly the Animal Diseases (Beekeeping) Amendment Bill 2015. The bill introduces a new part to the Animal Diseases Act 2005 and provides for the registration of beekeepers in the ACT and the numbering of brood boxes so

that the owners of hives can be identified when and if requested to do so. This initiative will ensure that in the event of a bee biosecurity incident there can be fast and effective location of beekeepers and their hives in the ACT. This in turn will lead to the better management and planning of bee biosecurity responses, incidents and risks.

In introducing this bill I want to provide background to this issue and provide some context as to why bee biosecurity has become a matter of general interest and an increasing area of environmental concern. I will also touch on the very strong obligation that the territory has under national agreements to work cooperatively and collaboratively on biosecurity with other jurisdictions. Lastly, I will talk about the beekeeping registration scheme that the bill creates.

Over the past 10 years a major threat to the worldwide bee population is the spread of the Asian mite Varroa destructor and the role of this mite in spreading viruses. In 1990 when the mite arrived in the United Kingdom it was implicated in halving the bee population in that country. Within a year of the mite arriving in Hawaii in 2007, research on one island found that 65 per cent of all hives had been wiped out.

While there is some controversy about the cause of colony collapse disorder, where worker bees disappear, leading to the collapse of a bee colony, some commentators also attribute Varroa as a contributory cause. At this time Australia is one of the last remaining areas in the world free of Varroa. It has invaded New Zealand and Indonesia and is of considerable biosecurity concern. Early detection and monitoring of beehives is seen as the best means of control.

Varroa mites attach themselves to adult bees and drain fluids from the bee for sustenance, leaving open wounds. The compromised adult bees are more prone to infections and a number of viruses can be spread in the process. A significant mite infestation will lead to the death of a colony.

Varroa and the viruses it spreads are not the only bee biosecurity threat in Australia. As with other Australian jurisdictions, the ACT's Animal Diseases Act lists over 10 bee pathogen and pest threats that have been declared as notifiable, including Varroa. An outbreak of any notifiable threat could spark a biosecurity incident response.

So why are bee biosecurity and the prevention and management of bee pests and diseases so important? Pre-emptive management action is critical. Waiting until infection occurs is not really an option, particularly given the inevitability of disease or pest attack. It is likely, for example, that Varroa will reach Australia in the next few years, no matter how hard we work to prevent this.

Prevention and control through the establishment of systems and mechanisms to minimise damage in the event of a disease or pest outbreak are critical. Knowing where the risk is and how a pathogen or pest is spreading are important tools in managing a biosecurity incident. This is also an important issue because the impact of reduced bee numbers would be significant, some say catastrophic, because bees are the key insect pollinator of plants. The environment would be significantly damaged if the number of bees was so reduced that plant pollination was affected.

In turn, food security would be at risk from a reduction in agricultural food production. The economic impact nationally in Australia would be significant as the industry is worth $90 million a year in direct products such as honey and beeswax and 65 per cent of agricultural crops require honey bee pollination as part of production. In recent media releases, for example, the commonwealth states that the $346 million almond crop depends entirely on bees for pollination.

Clearly, there is a national interest in the management of such matters and each Australian jurisdiction contributes to this. The Australian government and state and territory governments work with industry under negotiated biosecurity agreements which provide the framework of jurisdictional obligations and commitments. The bill I introduce today meets agreed overarching obligations and commitments.

I also note that the commonwealth Minister for Agriculture and Water Resources announced in June this year that the Australian Bureau of Agricultural and Resource Economics and Sciences will conduct a survey into baseline data to provide a profile of the physical and financial characteristics of honey bee businesses in Australia. This will add to the knowledge and information that will inform biosecurity management. Unfortunately, the survey will have limited use in the ACT, with the focus being on commercial beekeeping, which is not a general characteristic of beekeeping in the territory.

All other state jurisdictions regulate beekeeping activities. In the territory, biosecurity management and prevention is a function of the Territory and Municipal Services Directorate and it has been identified by the directorate's biosecurity and rural services section, under Parks and Conservation, that this is an area that requires our attention.

The Animal Diseases Act, as it stands, provides the necessary powers to address biosecurity threats, including those involving bees. However, these powers are undermined by an inability to respond quickly to a bee biosecurity incident in the territory. It also challenges whether the ACT can meet national obligations in the case of an incident. Unlike other animals and stock which can be secured and quarantined, the free movement of bees requires quick action to stop a parasite or pathogen from spreading, including into populations of wild bees and native bee species.

In the case of a national incident, the territory's ability to report and plan is restricted because of the limited knowledge about the nature and scope of beekeeping in the ACT. In Australia state registration systems provide most of the data available about beekeepers and the number of hives they own, with some additional information on commercial beekeepers provided by industry groups I note that commercial beekeepers are generally recognised as those with over 50 hives ranging up to many thousand.

There has been no registration system in Canberra since 1997, when the Apiaries Act 1928, a former commonwealth government ordinance, was repealed. The bill I introduce today will fill a gap left by the repeal of the Apiaries Act, a gap which over time has become more conspicuous given the focus on bee biosecurity and also with

the growing interest in small-scale beekeeping. Without a registration system there is no reliable data about the keeping of bees in the ACT. Nonetheless there are guesstimates that perhaps there are 300 to 600 beekeepers, but this figure varies depending on the source of information, and some place the figure much higher than this.

Given available anecdotal information and information from the Beekeeping Association of the ACT on its membership, it can be surmised that beekeepers in Canberra are largely backyard hobbyists and can be characterised as urban beekeepers or cottage industry. Hives are rarely moved and the number of hives owned per beekeeper is relatively small. This profile is the focus of the proposed registration system which will also capture small-scale commercial ventures of fewer than 50 hives.

On available information there are no large commercial producers in the ACT, although it is known that a number of commercial New South Wales producers will at times have hives in the ACT region. Any large commercial producer operating in the region will inevitably require New South Wales registration. This is appropriate not only because the producer is operating in that jurisdiction but because New South Wales legislation deals with beekeeping in the agricultural context. Large-scale commercial production is an agricultural and primary industry concern. In this context bees are stock which not only produce honey but are also vital in agricultural crop pollination.

The bill I am introducing today takes this background into consideration. It works on the basis of registering, under ACT legislation, only beekeepers whose hives are exclusively located in the ACT. This will capture urban beekeepers, cottage industry beekeepers and small commercial producers. Large commercial producers will not need to register on the basis that they will already have New South Wales registration.

The overarching aim of the registration scheme is to link up with the other states to complete national coverage. A dual system where a beekeeper needs to register in more than one jurisdiction is, at least in the territory's case, unnecessary and would mean additional red tape which is avoided by the model proposed in this bill. ACT registration is not required if a beekeeper has New South Wales registration.

The bill I am introducing creates a central register of contact details for beekeepers in the ACT. The legislation also provides that other relevant information can be collected and held in the register, such as the number of hives owned. Beekeepers will need to register only every three years, updating contact details if these change. Beekeepers will also be required to keep records on the number of hives, the movement of hives and the buying and selling of hives, for use in the event of a biosecurity incident.

Three-year registration will significantly reduce the cost of a registration scheme and reduce the impact of red tape on beekeepers. For the first time in many years there will be a source of information that will allow authorised officers under the Animal Diseases Act to have the ability to quickly identify and contact beekeepers. It will also include the ability to seek additional information about how many hives are kept and the nature of beekeeping in the ACT.

Registration numbers will be issued to beekeepers and these must be marked on hive brood boxes. The brood box is the part of the hive containing the queen and brood—eggs, larvae and pupae—and is most at risk of disease or pest invasion. Numbering of brood boxes assists in the identification of hive owners if necessary but, more importantly, contributes to what is in effect a national stock identification scheme.

The identification, via numbering systems, of brood boxes is mandatory in all other Australian jurisdictions. The purpose of brood box identification is threefold: firstly, to trace the movement of brood boxes, including cross-jurisdictional, so that disease outbreaks can be tracked and biosecurity incidents managed; secondly, tracing items in the case of theft, noting that hives may be kept in areas that are isolated and exposed to interference; and, thirdly, to enable the owners of abandoned or dumped brood boxes to be traced, which is important in situations where the abandonment is due to disease. The lack of an identification system in the ACT represents a potential area of risk to a national system of regulation, albeit implemented through individual jurisdictional legislation. In effect the ACT is a black spot in relation to national traceability of hive movement.

The bill I am introducing today corrects this anomaly and ensures that we can meet our obligations and duties under relevant national biosecurity agreements. It will be an offence not to register and the penalty is five penalty units. Complaints of non-compliance can be investigated by authorised officers under the Animal Diseases Act.

There is currently a code of practice for beekeeping in residential areas of the ACT which I made in November 2014 under section 143 of the Domestic Animals Act 2000. The code sets minimum standards for beekeepers in the management of their hives. The code is part of the municipal response to increased beekeeping in urban and residential environments. In addition it will facilitate healthy, well-managed hives, which is the best defence for a bee colony attacked by a pest or disease.

In Australia bees are classified as livestock. In the ACT, since the repeal of the Apiaries Act and previous to the release of the code of practice last year, bees were not legally classified. As a result of issuing the code of practice under the Domestic Animals Act, bees were statutorily recognised as domestic animals. This was always viewed as a temporary measure until the policy issue of beekeeping registration could be properly considered and determined, and a more suitable place for a statutory beekeeping code created.

Introducing a legislatively based registration scheme provides the opportunity to place provisions for a code of practice for beekeeping into the Animal Diseases Act—a more appropriate location. With the implementation of the amendments in this bill bees will be correctly aligned with "stock" rather than as a domestic animal as currently occurs.

On commencement of the amendments proposed by the bill, I will reissue the existing code under the new provisions of the Animal Diseases Act. The code responds to issues about bee and hive health and husbandry as well as animal nuisance. It is not a panacea for the control of disease but is part of a responsible approach to ensuring informed beekeeping practices in the territory.

Finally, the bill amends existing provisions of the Animal Diseases Act to ensure that authorised officers can take enforcement action in relation to bees. The bill and the amendments it introduces to the Animal Diseases Act is an important platform in our response to a bee biosecurity incident or risk. It is part of a national response and fulfils our obligations to other Australian jurisdictions as expressed in national biosecurity agreements. It fills a gap that was left when the Apiaries Act was repealed in 1997. It creates a registration scheme that is modest in what it seeks to achieve, having the bare minimum impact on beekeeping in the territory, but enough to ensure that we can respond quickly and efficiently to a bee biosecurity incident.

I commend the bill to the Assembly.

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

Holidays Amendment Bill 2015

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

Title read by Clerk.

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

> That this bill be agreed to in principle.

The Holidays Act 1958 does not currently provide for a public holiday on Easter Sunday, even though Good Friday, Easter Saturday and Easter Monday are public holidays. This is largely because the origins of our current public holiday laws predate the liberalisation of Sunday trading. Consequently, when our public holiday arrangements were legislated it was commonly assumed that business would be not conducted on a Sunday.

The lack of an Easter Sunday public holiday frustrates the opportunity for some workers to take the four-day long weekend enjoyed by the wider community and denies them the appropriate recompense.

Legislating to make Easter Sunday a public holiday in the ACT responds to stakeholder views that Easter is a significant and protracted holiday period akin to Christmas and new year. Community expectations are that it is important as a public holiday and as an entitlement to be afforded to those who work during these periods. Workers required to work on Easter Sunday are not currently entitled to public holiday penalty rates and are not able to exercise their right under the national employment standards to reasonably refuse to work. Easter Sunday is a significant time of family celebrations; a period where families have the time to come together across the extended long weekend and reconnect and participate in family and community activities.

Public holidays remain significant cultural and religious occasions in the life of the broader Australian community. However, as there are no restrictions to trade over Easter in the ACT, employees in the service industry may face unwanted pressure to work rather than to participate in family, religious or community celebrations on that day. These days should be fully protected in law and should be observed in a manner which provides a meaningful benefit to employees engaged in seven-day service industries such as hospitality and retail.

For workers in service type industries public holidays are the only guaranteed days in the year that they can plan to make leave arrangements. This is due to expansive employer rostering discretion, the use of annual leave blackout periods and the increasing span of trading hours directly associated with the sales which occur at festive times of the year. These days also commonly, if not exclusively, fall on days in the midst of school holidays. On these days working parents, particularly a high proportion of working mothers, depend upon the practical effect of being able to reasonably refuse to work on public holidays to ensure they can spend guaranteed time with then children.

Some businesses in the growing sectors of retail and hospitality are calling for penalty rates for working over the Easter break to be cut, citing undue pressure on business. Paying workers penalty rates for working over Easter benefits businesses in the long term because it will increase disposable income for some of the country's lowest paid workers which, in turn, will be spent in local businesses.

The Productivity Commission has recently released its review of the Fair Work Act 2009, the commonwealth act, for consideration and comment by stakeholders. As I have said in this place before, I have expressed serious concerns about a number of the commission's recommendations. By way of example, while the federal government has ruled out immediate changes to penalty rates, the commission's draft report overcomes this by recommending that the Fair Work Commission introduce new penalty rates as part of its four-yearly review into modern awards. The commission argues the changes would act as a floor to the penalty rate and employers may decide to pay more if they find it hard to attract employees on Sundays. The commission has also recommended that state and territory governments should not be able to unilaterally trigger costs for employers by creating new public holidays and that employees should be able to vote to swap some existing public holidays to times that suit them better.

The commission's recommendations represent an attack on workers' rights and ultimately seek to remove penalty rates for workers in restaurants, cafes, bars and pubs and would slash the pay of many of the territory's lowest paid workers. Low paid workers in the restaurant, catering and hospitality sectors rely on penalty rates not only to compensate them for working unsociable hours but also to help them make ends meet. Penalty rates exist because the community expects that, if people forgo their evenings, weekends or public holidays to work, they should be compensated.

The ACT has a strong culture of dining out in the evenings and on weekends, and businesses open their doors to profit from that demand. They hire mums, dads,

brothers, sisters, sons and daughters who give up their evenings or their weekends to go to work. Many of these workers earn among Australia's lowest wages, and penalty rates are the only things that enable them to pay their rent, mortgages and bills and put food on the table. Parents still have to take their children to play sport on the weekend. People still have other responsibilities, and penalty rates are designed to make up for many of these workers having to miss out on such events. I do not know if members were out and about on the recent Family and Community Day or Labour Day public holidays, but I know from the reports that I have heard that those cafes, pubs, restaurants or shops that chose to open must have been doing a roaring trade.

Australians are for a fair go and want to support workers being paid penalty rates when they give up their weekends, their nights and their public holidays.

Employer submissions during the consultation on the proposal have flagged that increased costs would result in some operations closing on Easter Sunday, while union submissions have highlighted that with unrestricted trading hours businesses are increasingly trading on Easter Sunday. They have also raised concerns about workers not receiving public holiday penalty rates and not having the right to refuse to work.

I acknowledge the concerns raised by employer groups about the costs of additional public holidays—and, of course, the government has additional cost in this too—and the government has taken their concerns into account. Ultimately, though, I consider it important that the community and employees' rights to public holidays be recognised by law. Making Easter Sunday a public holiday is consistent with the current New South Wales practice and will mean that the ACT observes between 13 and 15 public holidays a year.

In a world where the federal government and its Productivity Commission are creating so much uncertainty around workers' rights and entitlements, particularly Sunday penalty rates, this measure gives workers back their certainty by ensuring rights are protected. I commend the bill to the Assembly.

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

Standing orders—amendment

Standing order 210

MS LAWDER: I seek leave of the Assembly to allow an Auslan interpreter to be present on the floor of the chamber during consideration of Assembly business order of the day No 1.

Leave granted.

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

> That standing order 210 be amended by inserting "or an accredited Auslan interpreter," after "Member,".

DR BOURKE (Ginninderra) (11.28): I am very pleased to support this motion today following its consideration by the Assembly Standing Committee on Administration and Procedure. As I have learned in my time here, it is customary practice to refer proposed or changes to the standing orders for committee consideration for good reason. The committee's deliberations have made a valuable contribution to the fairness and equity of this measure. As well, we have ensured that the valuable, hard-earned and sophisticated skills of accredited Auslan interpreters are properly recognised and that Auslan interpreters are properly rewarded for their work. This is the third sitting day since this matter came to the Assembly in the previous sitting week. I am confident that all here would agree with me that this additional time to allow consideration by the committee has been very worthwhile. I commend the motion to the Assembly.

MR RATTENBURY (Molonglo) (11.29): Thank you for the opportunity to speak to this motion today. I am pleased to support this motion up-front—let me say that right from the start—because it is important to ensure that we do not reduce people's capacity to engage in their workplace and their community by having barriers that prevent full engagement.

Our Greens policy states clearly that people should have full access, where necessary, to "appropriate facilities and support personnel in order for them to be able to undertake their chosen activities". On top of that, the Greens are passionate about ensuring that our parliament is more accessible to everyone in our community, as our parliament should be fundamentally part of our community and representative of our community's interest and concerns. It is the reason we moved the other motion listed under Assembly business today in regard to matters of public importance, which we will come to shortly.

Providing access to signing is something that is crucially important to people in the deaf community. Some 8,500 people in Australia use Auslan at home. It is the preferred language of the majority of people in Australia who have been severely or profoundly deaf since birth. It is an organically grown Australian version of signing that has grammar and vocabulary quite different from English and is therefore obviously quite different from signed English.

Historically in Australia there are some interesting facts to look at with this issue. It was first used in the Queensland parliament in 2006, which led to the use of Auslan during the Queensland floods in 2011. In June 2011 Auslan was first done in the Victorian parliament, and Julie Owens and Jane Prentice have delivered speeches in Auslan, in the federal and Queensland parliaments respectively, highlighting the role of Auslan in Australia.

So I am very pleased to support this motion today. I want to reflect on the fact that I regret not speaking when this motion first came up last month before it was sent to committee. I would like to explain to the Assembly the reason I did not do that. I understood that, like most matters concerning standing orders that come up for consideration, it was to be sent to the administration and procedure committee, which I am also on, and I understood we would have a discussion then about the practicalities of this implementation, as we do with other matters.

What I did not expect in not speaking to that issue was that I would come under public attack in the way that Mr Hanson spoke in the chamber that day and then the way Ms Lawder made a very derisive set of contributions through her Facebook page. I would like to reflect on that because I think it is a poor reflection on the integrity of Ms Lawder that she took this approach to this matter. What she knew, and what any member of this place knows, is that sending something to the administration and procedure committee when it comes to changing standing orders is standard practice.

Ms Lawder instead chose the path of division in the community. On her Facebook page she said: "Disappointingly, the Barr Labor-Greens government have not supported my amendment to allow Auslan interpreters to make the Legislative Assembly's proceedings more accessible for deaf people." She goes on to say: "I employ a deaf person in my office and I understand the communication barriers they face day to day. I can't understand why the Barr government wouldn't want to support information access for deaf people in Canberra immediately."

I am sure she could stand up and say, "Well, technically that's true. It wasn't supported on the day." But to go down that sort of path is such grubby politics that it reflects very poorly on the members opposite in this chamber. It is standard procedure for these sorts of things to go to the administration and procedure committee. I am sorry that Ms Lawder chose this pathway, because it was unnecessary and did not reflect well on this place at all.

That said, I am very pleased to support this today. I always intended to support it. It was worthwhile that it went to the administration and procedure committee so that we could have a discussion about how an Auslan interpreter would be paid for. The administration and procedure committee discussed the fact that we should not expect people to come and do this on a voluntary basis; that, if we are requiring the service, it should be paid for. We needed to make those findings and we needed to talk about how security issues would be addressed and matters like this. It was not an overly complicated discussion; it simply needed to be worked through.

I regret the pathway chosen by Ms Lawder with this approach, but I am very pleased to support her motion today and look forward to it making this Assembly more accessible to people in the community who currently do not find it as accessible as it should be.

MR SMYTH (Brindabella) (11.34): I am somebody who has been here for some time and I have seen some standing order changes go to admin and procedure and some not. For someone to stand up and say that it is a poor reflection on Ms Lawder that she is passionate about her subject, that she wants to change it and she is keen to see it done on a day, reflects more on the member than on Ms Lawder. Then you go and say it is grubby politics. He says, "It looks like the truth, but it doesn't please me". Go to Shakespeare: methinks he doth protest too much. The reality is that things can change, and change quickly, and that is an affirmation of what this place believes.

Mr Rattenbury interjecting—

MR SMYTH: Somebody here—sorry, Mr Rattenbury?

Mr Rattenbury: I said it took a whole four weeks, Mr Smyth.

MR SMYTH: A whole four weeks?

MADAM DEPUTY SPEAKER: Mr Smyth, Mr Rattenbury is not having a conversation with you across the chamber.

MR SMYTH: It is interesting that Mr Rattenbury just spoke more on the politics of the issue than on the substantive matter. Perhaps it goes more to his mindset now; how he sees the world. It is important that if the world does not match Mr Rattenbury's interpretation, suddenly, somehow, it is grubby and a poor reflection on other people.

People will judge Mr Rattenbury on what he says and does. There are a lot of things that Mr Rattenbury has said that he would do that he abandoned to become a minister. If there is criticism of the Barr Labor-Greens government, perhaps it is deserved.

We had a discussion about this in admin and procedure. I raised a few issues. It is interesting that we have the interpreter with us today. The question then is about the fact that these are some of the things that are consequences of that. Siting cameras in this place raises the issue of whether an interpreter is actually the most appropriate way for those that are hearing impaired to access the discussions that occur in this place. I have spoken to the Clerk about how much it would cost to have real-time captioning. The Clerk sort of blanched, and we all blanched in admin and procedure as well. I understand that no parliament in Australia does it. I assume it would be very expensive, but there is a question on the expense of what we do.

Often those less able to participate can be the most excluded. There are also the visually impaired: what we can do for them? Then there is the issue of language impairment. As we know, Mandarin is the second most spoken language after English in the ACT. As a truly inclusive multicultural society, do we look at other languages? Is it Chinese? Is it Vietnamese? Is it Korean and Japanese or some of those large populations that we have? We have a very large Indian population.

I think today we start down a step. It is a step in the right direction to ensure that we work to include people as quickly, as well and as ably as we can include them so that we get full participation in the process and people are able to exercise their rights to be part of the democratic process.

I congratulate Ms Lawder on bringing this forward. Well done to her. It is perhaps something where we should all reflect that it has taken some 26 years for us to adopt this. I thank Mr Rattenbury. I did not realise that it was first used in an Australian parliament in 2006, and that is an interesting date to know; it has taken some time for the use of interpreters to appear. But it is still sporadic. Perhaps what we do today will start all parliaments on a path where it becomes the norm rather than having to do it by seeking leave.

There was some irony and it was a bit funny that Ms Lawder had to stand—hopefully for the last time; it will be the last time—and say, "Can I have leave to have an Auslan interpreter?" while we debate an amendment to the standing orders to allow Auslan interpreters. Hopefully, that is the last time in this parliament that we will have to seek leave for that purpose. Hopefully, it sets us on a path. There is always a financial consideration, a practicality consideration. But if all are to participate, we must give them the pathways to do so. Well done, Ms Lawder, on what you have done today.

MS LAWDER (Brindabella) (11.38), in reply: Statistics provided by the Australian Network on Disability show that in Australia there are approximately 30,000 deaf people who use Auslan, and obviously a proportion of those live in the ACT.

Auslan, is the natural sign language of the Australian deaf community. The name Auslan derives from Australian Sign Language; the term was first coined in the early 1980s by Trevor Johnston, who was the author of the first Auslan dictionary. But the language itself is much older. Auslan evolved from sign languages that were brought to Australia in the 19th century from Britain and Ireland. Its grammar and vocabulary are quite different from English, and it is not the creation of any one person; it is a natural language that has evolved over time. Some other countries have sign language that has evolved from French sign language, so their sign language is considerably different from Auslan, to use just one example, because every country has its own sign language. Auslan was recognised by the Australian government as a community language other than English in policy statements in 1987 and 1991.

I think we all understand and agree that deaf people have the right to participate equally in Australian society, in the economy, in sports, in volunteering and in the arts and cultural activity—indeed, in all facets of life every day. They can participate equally and fully provided communication access is provided to them. For example, one of my staff, Chloe Nash, who is deaf, plays an important role in the running of my office.

This motion, as agreed by the administration and procedure committee, takes having an Auslan interpreter on the floor of the Assembly from being a special privilege granted by the Assembly, or possibly denied, to something that can be used on a more regular basis. That is what communication access should be. Whether members individually choose to take up the option, and for which particular speeches, is up to members. For example, as I said when I opened the debate on this motion, it might be especially appropriate for speeches relating to events of national or territory importance, emergency situations or matters relating specifically to disability matters such as the NDIS.

I will reflect very briefly on Mr Rattenbury's comments. I did not even want to dignify them with a response. If I were to look at things that Mr Rattenbury put out in media releases, on Facebook or on Twitter, I am sure I would find that there are many instances where what Mr Rattenbury has said is a far greater dig to the opposition than what I said—which was completely, factually and, as Mr Rattenbury said himself, technically correct. It is extraordinary that, in what could have been a celebration of the acceptance of this motion today, Mr Rattenbury chose to demean and diminish the importance of this motion for deaf people by speaking in that way. I find it very disappointing.

That the Assembly today has agreed to take on a lead role by allowing interpreters onto the floor of the Assembly as a matter of course rather than it being seen as a privilege or a gift within the hands or at the whim of the government is something to be celebrated. I know that many of my friends in the deaf community will very much welcome this decision today. I would like to thank the committee and the members of the Assembly for their consideration of the motion and their support of the motion to amend a standing order today. Thank you also to interpreter Mandy for coming in today at reasonably short notice; I look forward to, hopefully, seeing more interpreters on the floor of the Assembly. Once more, thank you very much, members, for your consideration of this change to the standing orders.

Motion agreed to.

Standing orders—matters of public importance

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

That the following standing orders be amended:

(1) Omit standing order 79, substitute:

"79. A Member may propose to the Speaker that a matter of public importance be submitted to the Assembly for discussion on a sitting day that occurs on a Tuesday. Written notice of the matter shall be given to the Speaker not less than 1 ½ hours before the time fixed for the meeting of the Assembly; if the Speaker determines that the matter is in order, it shall be submitted to the Assembly. If more than one matter is proposed for the same day, the Speaker shall determine by lot before the commencement of the sitting the matter to be submitted to the Assembly for discussion that day.".

(2) Insert new standing order 79A:

"79A. Members of the public may write to the Speaker proposing matters of public importance to be discussed on sitting days that occur on a Thursday. Such proposals must be received by the Speaker by 11am on the Tuesday before the scheduled Thursday sitting. If the Speaker determines that the matter is in order, the Standing Committee on Administration and Procedure will consider at a meeting on a sitting Tuesday matters that have been submitted to the Speaker in the 3 months prior to the meeting, and may choose one matter for discussion.".

(3) Insert new standing order 69(ga):

"(ga) Matter of public importance (under standing order 79A)
Whole debate.....45 minutes
Any member.....10 minutes".

DR BOURKE (Ginninderra) (11.43): We will be opposing this motion to amend the standing orders in relation to members of the public being able to propose matters of public importance for discussion on sitting Thursdays. Ours is a representative democracy where citizens elect representatives to make laws for our territory. It is not the direct democracy that came about in ancient Greece where, for a time, all eligible citizens voted on every single issue, a system that was not only cumbersome and unwieldy but can also harm the rights of the individual by the tyranny of the majority when they succumb to the latest passion or moral panic. Many like to quote Edmund Burke on this matter and I will be no exception. He said:

> To deliver an opinion, is the right of all people; that of constituents is a weighty and respectable opinion, which a representative ought always to rejoice to hear; and which ought always most seriously to consider. But authoritative instructions; mandates issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience—these are things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenor of our constitution.

Others have echoed these principles. James Madison said of direct democracy:

> A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual.

John Witherspoon, signatory to the US Declaration of Independence and President of Princeton University, said:

> Pure democracy cannot subsist long nor be carried far into the departments of states—it is very subject to caprice and the madness of popular rage.

These concerns are as alive today as they were 250 years ago. The budgetary difficulties of the state of California and the ban on minarets in Switzerland are two examples.

The concept that members of parliament should not determine the proceedings of their parliament is contrary to our way of government and a danger to our democracy. Indeed this standing order would enable any person or lobbyist, citizen or not, to dictate the discussion in this parliament.

When I attended the CPA seminar in Bangladesh earlier this year with parliamentary representatives from five continents I raised this proposal and it was universally condemned, for the reasons I have previously outlined. Instead I heard about the opportunities used by other parliaments in handling petitions which stimulated my proposal on the notice paper for change in this area.

MR SMYTH (Brindabella) (11.46): Thank you Dr Bourke for taking the call. I was looking at the next matter. I apologise. Again, this was discussed in admin and

procedure. Admin and procedure were not convinced of the need to change. The Liberal Party room is of the same opinion. We are all representatives of the community. The MPIs that I have put forward in my party room are always driven by issues that are raised with me in whatever capacity I appear in the community and often some of the best MPIs are the ones that come straight out of the community. As representatives there really is no need to have this second procedure.

It makes me wonder whether or not the minister feels he is missing out, that as a Green he cannot raise MPIs because he has chosen to sit in the cabinet. That is the choice you make. With that, we do not believe that there is any need to change the standing orders as they appear.

MR RATTENBURY (Molonglo) (11.47), in reply: I thank colleagues for their comments today. The intent of this motion was to change the standing orders to allow members of the public to nominate topics for one of the two MPI opportunities, on a Thursday. The process allows for a member of the public to nominate topics for discussion by submitting them to the Speaker. And after the Speaker has determined that they are in order, as she does with other MPIs, they would then go to the administration and procedure committee which would select one for discussion in a particular sitting week. In-order proposals could be debated for up to three months after they are submitted.

My thinking behind this was simply to develop a way to ensure that the ACT Assembly is genuinely reflecting the concerns of the community in the debates we have in the Assembly. It would provide another simple way for the community to hear the views of members of the Assembly. I think it frames the very positive and innovative engagement tool with our community. I think everybody here supports that and I think that is reflected in the comments particularly of Dr Bourke.

We do, of course, have a petitions process but that can be a little complicated and some groups do not find the formalities of that process very easy. You have to wait some time to get a response from the government, having submitted the petition. The petition does not allow the community to hear from other members and other parties in the Assembly.

The MPI debate is for 45 minutes. There is an opportunity for different members to speak. It can be more considered than a media response. I think the community would appreciate hearing a bit more considered discussion on issues of concern to them rather than just a two-sentence sound bite which is what they do get if even they are dedicated and tune into the news and the radio and the like.

That said, the current MPI system is not all bad. We do have some interesting topics presented to this place by all members. We do see some repetition of topics and topics that are reworded to basically address the same thing. The MPI process is used to run political agendas. This, of course, is not a bad thing. It is part of the nature of this place and it does not mean an issue is not of public importance. But we have this opportunity twice in a sitting week.

I put forward this proposal simply as a great opportunity to hear directly from the community about what they consider to be a matter of public importance and having them put some issues on the agenda that we might not consider. Even in a representative democracy members are still somewhat of a filter. I think it is a shame that members have not supported this but it is not the end of the world. We will all still be out there in the community having those discussions on a pretty regular basis. This opportunity was only to allow people to propose discussion topics. There was no dictating of the discussion. Of course there is no vote on an MPI.

That was why I felt it was a space to have an opportunity for the community to be more participative in the processes of the Assembly whilst allowing members the ability to still get a spot up on Tuesdays. But I accept that other members are not supportive of the idea. I thank them for their discussions both in the administration and procedure committee and here today.

Motion negatived.

Legislative Assembly
Sitting pattern 2016

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) (11.51): I move:

> That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2016:

February	9	10	11
	16	17	18
March	8	9	10
April	5	6	7
May	3	4	5
June	7	8	9
August	2	3	4
	9	10	11

I will be quite brief on this and say it is a very sound and good looking sitting pattern and I hope it is endorsed by the Assembly.

MR SMYTH (Brindabella) (11.51): The minister might be shocked that perhaps some do not think as she does. I just bring to the attention of members that the sitting pattern for next year lists only eight sitting weeks. Before the end of August this year we had nine sitting weeks. So it is one week fewer than we had this year.

There are a number of changes in the pattern. I am not sure whether members feel that this is a concern or not but in February, March, May and August this year we had double sitting weeks and a single week in June which of course is the budget week. What is being proposed now is that we have only two double week periods, in February and August, and that in fact March, April, May and June will all each be a single week. Normally in the past we had a practice where in the fourth month—it was April, then it was July—we would not have a sitting week, which allowed members to travel, allowed ministerial delegations or whatever.

In effect what this pattern means is that there is a sitting week in every month but July until the end of August. I am not sure whether that has been taken into consideration. We had a practice in the past of double weeks. In April this year there was no sitting week. April encompassed the school holidays. April next year will encompass the school holidays. If you wanted to take some leave or undertake overseas travel it gave you a period of about six weeks where you could travel. This reduces that gap to some three weeks on either side. I am not sure whether that is a consideration but it is a departure from the standard practice.

The other thing is that we have sunk into a pattern of having what I have taken to calling "just in time legislation". Most of the bills we are discussing this sitting week were tabled last week. If you want to have genuine consultation you ask community groups to put their views, which might involve a meeting of their organisation, a board meeting, and some sort of recommendation back. Because of the way the government is handling its business—of course it is shutting down discussion—I just wonder whether this pattern is designed to facilitate that so that we get more "just in time" legislation which of course means the community is more and more excluded from the legislation process.

They are some reflections on the pattern. It has one fewer than we would normally have but that might indicate a government that has run out of an agenda. Secondly, the pattern is different. The pattern affects the way the Assembly works, it affects the way the community is able to interact with the Assembly and it affects the way that we bring legislation on.

Of course what this new pattern means is that we actually have more sitting periods. This year we had five sitting periods before the end of August. Next year we will have six. So we will actually have more sitting periods but we will have fewer sitting weeks. I think there is somewhat of a dilemma there.

These are matters for consideration. If members want to defer debate until later in the day or to the next sitting to discuss we can of course pass this in November if we want. But it is a departure from the way that we operate and it gives me some concern about the way the government brings on its legislation. It allows less and less consultation and then expects people to stand up and debate often complex issues.

The Statute Law Amendment Bill, which was tabled this morning, will amend some 25 to 30 acts, which will take the shadow minister working on it some time to work through. It will in all likelihood come on in the November sitting. If we are going to continue that practice then perhaps we really need to look at the way we deal with the calendar as well.

They are just some reflections. I am not sure if the government wants to take those on board or not. Perhaps it is worth, if the government felt so minded, adjourning the debate and possibly bringing it back on in November after reflection.

Question resolved in the affirmative.

Annual and financial reports 2014-2015
Reference to standing committees

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) (11.56): I move:

That:

(1) the annual and financial reports for the calendar year 2015 and the financial year 2014-2015 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;

(2) the annual report of ACT Policing stands referred to the Standing Committee on Justice and Community Safety;

(3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2015 and financial year 2014-2015 annual and financial reports at any given time;

(4) standing committees are to report to the Assembly on financial year reports by the last sitting day in March 2016 and on calendar year reports by the last sitting day in November 2016;

(5) if the Assembly is not sitting when a standing committee has completed its inquiry, a committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and

(6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report (in alphabetical order)	Reporting area	Ministerial Portfolio/s	Standing Committee
ACT Auditor-General		Officer of the Legislative Assembly	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs

ACT Electoral Commission		Officer of the Legislative Assembly	Justice and Community Safety
ACT Gambling and Racing Commission		Minister for Racing and Gaming	Public Accounts
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
ACT Long Service Leave Authority		Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
ACT Ombudsman		Officer of the Legislative Assembly	Public Accounts
ACT Policing		Minister for Police and Emergency Services	Justice and Community Safety
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Capital Metro Agency		Minister for Capital Metro	Planning, Environment and Territory and Municipal Services
Chief Minister, Treasury and Economic Development Directorate	Ceased Agencies	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Government Policy and Strategy; Public Sector Management; Coordinated Communications and community engagement	Chief Minister	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Workplace Safety and Industrial Relations	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety

Chief Minister, Treasury and Economic Development Directorate	Economic and Financial Management	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Revenue and Government Business Management	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Shared Services	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Policy, Strategy and Infrastructure Delivery	Minister for Urban Renewal	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Gaming and Racing	Minister for Racing and Gaming	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Innovation, Trade and Investment	Minister for Economic Development	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Visit Canberra	Minister for Tourism and Events	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Sport and Recreation Services	Minister for Sport and Recreation	Planning, Environment and Territory and Municipal Services
Chief Minister, Treasury and Economic Development Directorate	Venues and Events	Minister for Tourism and Events	Planning, Environment and Territory and Municipal Services

Chief Minister, Treasury and Economic Development Directorate	Property Services	Minister for Economic Development	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Arts Engagement	Minister for the Arts	Education, Training and Youth Affairs
Chief Minister, Treasury and Economic Development Directorate	Loose-fill Asbestos Insulation Eradication Scheme	Chief Minister	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Access Canberra	Chief Minister	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Superannuation Provision Account	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Territory Banking Account	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	ACT Executive	Chief Minister	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Architects Board of the ACT	Chief Minister	Planning, Environment and Territory and Municipal Services
Chief Minister, Treasury and Economic Development Directorate	ACT Compulsory Third Party Insurance Regulator	Treasurer	Public Accounts

Chief Minister, Treasury and Economic Development Directorate	*Constructions Occupations (Licensing) Act 2004*	Chief Minister	Planning, Environment and Territory and Municipal Services
Chief Minister, Treasury and Economic Development Directorate	ACT Government Procurement Board	Minister for Economic Development	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Default Insurance Fund	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
Chief Minister, Treasury and Economic Development Directorate	Director of Territory Records	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Environment Protection Authority	Chief Minister	Planning, Environment and Territory and Municipal Services
Chief Minister, Treasury and Economic Development Directorate	Lifetime Care and Support Fund	Treasurer	Public Accounts
Chief Minister, Treasury and Economic Development Directorate	Office of the Nominal Defendant of the ACT	Treasurer	Public Accounts
Commissioner for Public Administration	State of the Service Report	Chief Minister	Public Accounts
Office of the Commissioner for Sustainability and the Environment		Minister for the Environment	Planning, Environment and Territory and Municipal Services
Community Services Directorate		Minister for Community Services	Health, Ageing, Community and Social Services

Community Services Directorate	Community Relations—Aboriginal and Torres Strait Islander Affairs	Minister for Aboriginal and Torres Strait Islander Affairs	Health, Ageing, Community and Social Services
Community Services Directorate	Community Relations—Ageing	Minister for Ageing	Health, Ageing, Community and Social Services
Community Services Directorate	Community Relations—Multicultural Affairs	Minister for Multicultural Affairs	Health, Ageing, Community and Social Services
Community Services Directorate	Community Relations—Women	Minister for Women	Health, Ageing, Community and Social Services
Community Services Directorate	Community Relations—Youth Engagement	Minister for Children and Young People	Health, Ageing, Community and Social Services
Community Services Directorate	Disability and Therapy Services	Minister for Disability	Health, Ageing, Community and Social Services
Community Services Directorate	Social Housing Services	Minister for Housing	Health, Ageing, Community and Social Services
Community Services Directorate	Early Interventions Services	Minister for Children and Young People	Health, Ageing, Community and Social Services
Community Services Directorate	Statutory Services—Care and Protection and Youth Justice Services	Minister for Children and Young People	Health, Ageing, Community and Social Services
Cultural Facilities Corporation		Minister for the Arts	Education, Training and Youth Affairs
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Education and Training Directorate		Minister for Education and Training	Education, Training and Youth Affairs
Environment and Planning Directorate	Environment	Minister for the Environment	Planning, Environment and Territory and Municipal Services
Environment and Planning Directorate	Sustainability and Climate Change	Minister for the Environment	Planning, Environment and Territory and Municipal Services

Environment and Planning Directorate	Planning	Minister for Planning	Planning, Environment and Territory and Municipal Services
Environment and Planning Directorate	Heritage	Minister for Planning	Planning, Environment and Territory and Municipal Services
Environment and Planning Directorate	ACT Heritage Council	Minister for Planning	Planning, Environment and Territory and Municipal Services
Environment and Planning Directorate	Conservator of Flora and Fauna	Minister for the Environment	Planning, Environment and Territory and Municipal Services
Environment and Planning Directorate	Report on the Operation and Administration of the *Energy Efficiency (Cost of Living) Improvement Act 2012* for 2014-15	Minister for the Environment	Planning, Environment and Territory and Municipal Services
Environment and Planning Directorate	Parking—Coordinator General	Minister for Roads and Parking	Planning, Environment and Territory and Municipal Services
Health Directorate		Minister for Health	Health, Ageing, Community and Social Services
ICON Water Limited (formerly ACTEW Corporation)		Treasurer	Public Accounts
Independent Competition and Regulatory Commission		Treasurer	Public Accounts
Justice and Community Safety Directorate		Attorney-General	Justice and Community Safety
Justice and Community Safety Directorate	ACT Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Justice and Community Safety Directorate	ACT Corrective Services	Minister for Justice	Justice and Community Safety

Land Development Agency		Minister for Urban Renewal	Planning, Environment and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Office of the Legislative Assembly			Public Accounts
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Territory and Municipal Services Directorate	Information services; Waste and Recycling; Land Management; Regulatory Services; Capital Linen and Sustainable Transport	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	Roads ACT	Minister for Roads and Parking	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	ACTION	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	ACT Public Cemeteries Authority	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	ACT Veterinary Surgeons Board	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
University of Canberra		Chief Minister	Education, Training and Youth Affairs
Victims Support ACT		Attorney-General	Justice and Community Safety

MR SMYTH (Brindabella) (11.57): This motion appeared on the notice paper this morning and at first blush it would appear to be the standard motion that we have. Of

course, the first thing I did was check to see whether the Capital Metro Agency was listed given it was overlooked in previous years. But, yes, there it was. Capital metro has appeared and we will get an annual report. It is important that we get this right.

This year we have slightly changed the process in which annual reports are being dealt with. In the calendar there is now a defined period set aside, although I am not sure the final calendar has been set. It lists the first, second and fourth week in November for consideration of annual reports. Last year public accounts were going to have hearings on Christmas Eve at one stage to try to fit in the requirement for ministers' diaries. A number of annual reports this year were being tabled in May and June. In part (4) of the minister's motion it says:

> standing committees are to report to the Assembly on financial year reports by the last sitting day in March 2016 . . .

In theory, all the hearings will be finished in November. But then we have the dilemma of the calendar year report. For instance, the CIT reports on a calendar year. Obviously that report will not be available until sometime early next year. It could possibly be February or March. I am told by the Clerk that if people look at page 19 of the Statute Law Amendment Bill, which was tabled this morning, they will see it changes the Legislation Act to allow out-of-session presentation of documents to the Assembly. So, depending on when a calendar year annual report is available, the Clerk can then distribute it so that the committee itself can get on with the job of looking at that discussion.

Part (4) of Ms Burch's motion has the committees reporting by the last sitting day in November 2016. The last sitting day in November 2016 does not exist. There are no sittings after our last sitting on 11 August, and it is the prerogative of the next Assembly to set its sitting days. So you could actually have an annual report that is being delivered, and you could then have hearings, but it may never be tabled in effect by a member of that committee because it has for whatever reason been put off till after the Assembly has risen and an entirely new Assembly sits.

There is no guarantee that the chair of the committee that is looking at that report in this Assembly will be the chair of the next committee and, indeed, any of the members that are on that committee in this Assembly will be in the next Assembly. So I question the use of 16 November. It is an odd thing to see a committee, by the power of this Assembly, being extended into the next Assembly. I have circulated an amendment that brings that back to August. In all likelihood, if an annual report for a calendar year organisation is tabled in March and four or five months later the committee cannot have reported on it then there is something wrong. I would commend my amendment to the Assembly and hope that it sees the logic of changing November back to August, as would be appropriate. I move:

> In paragraph (4), omit "November", substitute "August".

MR RATTENBURY (Molonglo) (12.01): We can accept Mr Smyth's amendment. I understand that he has identified an important point here around the distinction between financial year annual reports and calendar year financial reports. Mr Smyth having drawn that important distinction, I would be pleased to support his amendment

so that matters can be completed inside this term of the Assembly, which I think was the intent. Clearly there has been somewhat of a drafting error here and Mr Smyth has picked up an important point.

Amendment agreed to.

Motion, as amended, agreed to.

Standing orders—proposed new standing order

DR BOURKE (Ginninderra) (12.03): I move:

> That the following new standing order be inserted in the standing orders:
>
> **"Referred to committee**
>
> 99A. A petition or e-petition with at least 500 signatories from residents/citizens of the Australian Capital Territory shall be referred to the relevant Assembly standing committee for consideration. In the event that the subject matter of the petition makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee.".

DR BOURKE: Madam Speaker, briefly, this motion would change standing orders so that valid petitions with more than 500 signatures are automatically referred to the relevant Assembly committee for consideration. The report on the implementation of the Latimer House principles in the Australian Capital Territory was tabled in the Assembly in February this year. It recommended consideration of a wider range of citizen engagement strategies. This motion seeks to pursue that theme. Sending motions to committees for consideration will enhance the Assembly's engagement with the community. Committees, upon receipt of a petition, will need to consider if an inquiry should be commenced or whether to conduct a hearing or seek a briefing. The committee's work will be in addition to the existing rule that requires a ministerial response within three months.

Madam Speaker, this is similar to the procedure in the Australian Senate, the Western Australian Legislative Council, the New Zealand parliament, the Scottish parliament and the UK House of Commons. Elsewhere in Australia our procedure is mirrored with a ministerial response required within a time limit and the allowance of a referral to a committee by a member on motion. I commend the motion to the Assembly and I look forward to its consideration by the administration and procedure committee.

Debate (on motion by **Mr Smyth**) adjourned.

Administration and Procedure—Standing Committee
Reference

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

> That the order of the day relating to a proposed new standing order referring petitions to committees be referred to the Standing Committee on Administration and Procedure for inquiry and report.

Executive business—precedence

Ordered that executive business be called on.

Health (Patient Privacy) Amendment Bill 2015

Debate resumed from 17 September 2015, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MS FITZHARRIS (Molonglo) (12.06): I would like to say a few words today about this legislation which responds to concerns about protests outside approved health facilities in the ACT that provide pregnancy terminations. This is an issue I have given careful consideration to. I am not here in this Assembly to place limitations on freedom of speech and absolutely agree that in a democracy we need to have a free debate. At the same time, free speech is not absolute and we need to be respectful of the impact words and actions can have on people in our society, particularly at a vulnerable time. To that end I believe this bill strikes the right balance and I will support it.

Its primary objective is to protect a woman's right to access abortion services in relative privacy and free from the intimidating conduct of others. Termination of pregnancy or abortion has been legal in the ACT since 2002 and is regulated like other health services provided by a medical practitioner to their patients. It should be noted that the bill does not target protest itself and indeed there are many more appropriate places to protest and stage vigils than directly outside a health service.

The limitations created by this bill are very minor and site-specific and do not interfere with a person's more general right to protest in person or in other methods in relation to abortion. Nor does the bill interfere with any person's ability to make their objections known to others in the community, such as law makers. Furthermore, the limitations apply only during a defined period of time. I think we need to consider that it not just women using such services who can feel intimidated. It is also their partners or families and friends, the staff and other people who work in the buildings who should be able to walk into these buildings free from prejudice.

On the issue of freedom of speech, the bill creates a minor limitation on a person's right to freedom of expression. But this limitation is reasonable and demonstrably justified in a free and democratic society, consistent with the requirements of section 28 of the Human Rights Act.

I am aware that there are two sides to this debate and understand some people in our community believe they are performing an important service. But we already have a range of services available to women who are struggling with these types of decisions and the staff who work in these services are compassionate and trained to offer women the support they need.

As I said, this bill strikes the right balance. This type of legislation is already in effect in Tasmania and I understand it is being considered in Victoria as well. Ultimately this bill is designed to protect members of the community from unwanted attention that can impede access to a legal health service. Protests can be peaceful and still be intimidating. I believe this is the least restrictive means possible of achieving the purpose of protecting patient privacy and the right to access medical services.

I thank those people who have emailed me and come to see me from both sides of the debate about this. I believe it is better to make representations to me and to my colleagues in this place than to do so towards women seeking to use a legal health service who should not have to bear the burden of being at the forefront of the abortion debate.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (12.09): As my colleague Ms Fitzharris has already indicated, the Labor members of the government will be supporting this bill today. We do so as a government that is committed to the principle of equitable access to safe and legal health care for all Canberrans.

We are, of course, aware that some people have been experiencing intimidation and feelings of harassment when accessing buildings that deliver sexual and reproductive health services, including termination of pregnancy services. These services, generally referred to as abortion services, are, of course, legal in our community when carried out by a registered doctor in an approved medical facility. It is the view of the Labor members of the government that all citizens should be able to engage in legal individual activity without the potential for intimidation or harassment.

Access to legal and safe health services is fundamental to the health and wellbeing of Australians. The Australian healthcare system is underpinned by principles of fair and equal access to health services that give all the opportunity for equal health outcomes. This view is reflected internationally. The United Nations Committee on the Elimination of Discrimination against Women has called on all member states, including Australia, to ensure that health services are consistent with the human rights of women. These include the rights to autonomy, privacy, confidential, informed consent and choice.

Similarly, article 12 of the International Covenant on Economic, Social and Cultural Rights and article 12 of the Convention for Elimination of All Forms of Discrimination Against Women provide that parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning. An activity that targets an individual outside a building from which a legal health service is being delivered, an activity that can cause feelings of intimidation or harassment for people accessing that service, only serves to minimise and erode these human rights and potentially limits access to that health service for some women.

Abortion is, of course, legal in the ACT. It is reasonable to expect that those who disagree with that political position should target their activity towards lawmakers, not individual citizens exercising their personal and legal right to access this form of health care. The government supports proportional and reasonable action to affirm the rights of women and therefore will support this bill proposing exclusion zones around abortion clinics in the ACT.

The government will be proposing minor amendments to the bill that seek to improve its workability. Further work in regard to the implementation of the bill is required before it can commence. An approach to enforcement needs to be carefully laid out. A detailed plan, including risk management and communication, needs to be developed to support its implementation. Given this, the government will move a minor technical amendment that will set a commencement date that allows an appropriate time for implementation planning and the necessary preparation to be undertaken.

In addition, Labor government members will also be moving an amendment to provide for a minimum exclusion zone of 50 metres. This would provide a minimum baseline size for the setting of the protected area. The protected area could then still be increased via disallowable instrument, as currently provided for in the bill. However, the amendment provides that the exclusion zone could not be reduced below 50 metres by disallowable instrument.

The government and Mr Rattenbury have both engaged with the ACT Human Rights Commission in the development of this bill, and the bill reflects the feedback from the commission received during that process. It is our view, as it is the commission's, that the bill appropriately balances the human rights of protestors and the public interest in protecting an individual's right to access safe and legal health care. The limitations on human rights in this bill are proportionate and justified because they are the least restrictive means available to ensure that Canberrans seeking pregnancy termination services can engage in this legal activity without the potential for intimidation or harassment. Nor does it prohibit protests from occurring elsewhere in the city.

In this respect it is not dissimilar to provisions in other forms of legislation that prohibit demonstrations in particular circumstances, such as in relation to a declaration of major events in our city. It still allows a protest to occur but not in relation to the proximity of particular activities.

This bill supports the government's goal of working to ensure that all Canberrans enjoy the benefits of living in a community that is safe, inclusive and respectful of human rights, that all Canberrans are able to fully participate in community life and that those who are vulnerable in our community are respected and supported.

This bill has been developed following a good process of community engagement and discussion. It has had that component of human rights consideration and there has also been the opportunity for individual community feedback and discussion on how we approach this difficult and complex issue.

The Labor government members believe this is the right balance—a proportionate response that allows for protest on what is often a divisive social policy issue to continue to occur, but not to occur in a manner that impedes the legal right of women to access pregnancy termination services in a respectful and non-intimidating manner. The Labor government members will be supporting this bill this morning.

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) (12.16): As the Minister for Women and as a woman, this issue has been very present in my mind during this year and for many years. I have had many discussions with members of the women's and community sectors in the past few months. There was great concern about the situation at the city community health centre and the wellbeing and privacy of women accessing services there.

That is why I have been concerned to ensure that the voices of women, and particularly young women, are clearly heard throughout this conversation. That is why I presented the view of some 725 people to the Assembly on Tuesday morning. That document, which was developed by the Women's Centre for Health Matters and Sexual Health and Family Planning ACT, offered very clear support for this bill.

While acknowledging the need to consider carefully the impact of privacy zones on the right of freedom of expression, the view of these people was very clear—that a woman's right to access termination of pregnancy services in privacy, without harassment, intimidation or humiliation, is critical. Establishing a privacy zone outside relevant health facilities will provide the reassurance and security to women, their families and the healthcare staff which they are entitled to.

I would also like to reflect on the public debate around this issue since it rose in the public consciousness in about March this year. I wrote at the time to the representatives of the prayer group who gather at the city community health centre and asked their views to be directed at us, the lawmakers, not at the women accessing reproductive health services. This remains my very strong view and that of the government.

The passage and enactment of this bill will give legal effect to our position. It provides legal protection for women to be free from harassment or intimidation as they access health services in what are incredibly difficult personal circumstances. Ideally, of course, the use of this law in the community will be minimal. The debate around a woman's right to access reproductive health services will continue, as it has done for a long time.

Protests have taken many forms, including those which may appear quite passive but are no less confronting for those that they target, which is why the government will not be supporting the opposition amendment which would undermine the effectiveness of this bill.

I understand that for those who protest it is based on a deeply held matter of conscience. I am a strong supporter of the right to freedom of conscience and freedom of speech. However, protest can occur in a respectful way, particularly on such a sensitive personal and emotional issue. There are many spaces in Canberra where people can protest lawfully, such as here, outside the Assembly. I repeat my request that those who disagree with termination services being available in our health centres direct their concerns at the policymakers.

More broadly on the principle, both personally and as the Minister for Women, I am a strong supporter of the right of women to access a range of family planning and reproductive health services, including the right to terminate an unwanted pregnancy. ACT Labor has held this view for many years, including through times in the past when it was far more controversial as a mainstream issue than it is today. We remain strong in our belief that women must have these rights, and I believe the vast majority of the Canberra community expects the same.

I would like to thank Mr Rattenbury and Mr Corbell for their work on this important legislation. I appreciate the opposition engaging with the debate, but we cannot support an amendment that would allow for protests to continue directly outside health clinics. Their amendment would weaken the law substantially. As Minister Corbell said, the termination of a pregnancy is legal in the ACT. When people seek to access our health systems, we put their needs first.

I had my own personal experience at the health clinic when my daughter was accessing a hearing test and having to walk past the prayer groups that were outside the health clinic on that day. My daughter said to me—and she was seven years old—"Who are those people? They look scary." And they do; they do look scary, Madam Speaker.

As a government we have the ability to provide the privacy, support and understanding that women need, whilst also facilitating a broader and respectful debate about this. I am very pleased to support this bill today.

MR HANSON (Molonglo—Leader of the Opposition) (12.21): I rise to say that this is an issue of balance. That has been a point raised by the speakers to date, and it is important that we do get the balance right regarding the various rights that are engaged by Mr Rattenbury's bill. As Ms Berry, Ms Fitzharris and the minister have alluded to, there is the balance between rights under health legislation as well as those of freedom of speech. I indicate that we will be moving an amendment that seeks to find that balance and certainly address for us some of the issues that are engaged with regard to free speech.

This bill engages a number of very fundamental issues. It raises issues of freedom of speech, freedom of assembly and the right to protest. It also raises the issues of privacy and protection from harassment. All of these are fundamentally important issues. But I want to raise issues that are important to me as well: respect and tolerance.

This is an important debate. I have appreciated the engagement I have had, both the briefing with Mr Rattenbury and the engagement with various groups in the community on both sides of the debate. As we move forward on this it is apparent that this legislation will be passed and that the amendment that I will be moving will not get up. While noting that result, regardless, we need to move forward with respect and tolerance for the range of views on all sides of this debate. Indeed I will be doing so. There would be an opportunity for politicking here; I do not think that would help in this debate, to be frank. There are plenty of opportunities for us to politick on various issues. I am not sure that on this one it would be particularly helpful on either side of this debate. Many of us are engaged by these issues and they are matters for deep thought and consideration.

I am sure that, philosophically, there is a great deal that we would agree on, on a range of these issues and in this bill. As I said there is a matter of balance that engages us all. My amendment makes it clear that we support some of the intent of this bill. I think it may be implicit under other legislative instruments. Certainly we should not be having behaviour that would actively hinder, intimidate, interfere with, threaten or obstruct, or capture visual data, with regard to this specific legislation. We should not physically prevent someone from accessing the facility. But it does become problematic then, if that is said in this bill, and while acknowledging those elements of the bill, if there is also a blanket ban on any form of protest, be it a silent vigil, be it a nun praying or be it someone standing respectfully in silence. That will then be banned under this legislation, and I think that is where this becomes problematic, on balance, and it is where it becomes a threshold that will lead me to move my amendment.

The desire for free speech and lawful assembly is certainly one that is supported more broadly across our community. I looked for examples and I found the website of the Bob Brown Foundation. On the front of the website of the Bob Brown Foundation, there is a heading that says: "Say no to Hodgman's harsh protest gag law. United we stand for free speech and peaceful assembly." So these are issues that would engage those on all sides of politics. I know that Mr Rattenbury has argued for free speech and peaceful assembly and has been an active campaigner on issues that are dear to him in the past, in his active role in Greenpeace. So it is clear that they are fundamental principles across the political spectrum for all of us.

It is important that we recognise and respect that there are people who hold different views within our society. That is an important principle that we hold dear, certainly within the Liberal Party. We need to make sure that freedom of speech remains a principle, but not without limitations—and there are limitations. But restrictions on freedom of speech need to be done very judiciously. That is a founding principle in many ways of the Liberal Party, dating back to Sir Robert Menzies.

In terms of the practical aspects of this legislation, if we were to agree that the legislation could be amended in accordance with the amendment that has been circulated, the fact that it would be accepted that we should not have harassment and the prevention of recording of images and so on, and the bill would then exclude the issue of the blanket ban on protest, would mean that by their nature those protests

could not be intimidatory, unlawful or threatening. They could not block or obstruct. This is where it becomes a problem, because what is that interpretation? Who is going to enforce this? How is it to be enforced?

I note that the government's own amendment recognises this challenge. It is seeking to delay the implementation of this legislation by six months, recognising that very challenge of how to actually implement such a law. There is a range of scenarios, but what about the idea of an elderly nun praying in the street and being subject to this law? How will that be addressed? What is going to happen? These are issues that have not been explained. These are issues that again we need to think through and answer before introducing such blanket laws when, by their very definition, if this bill were amended, they would be very peaceful and not intimidatory protests in whatever form.

We think it is about finding the balance that Ms Fitzharris and others have spoken about. We have a view that the balance is slightly different, I suppose, in a sense, towards free speech. That is in issue that is a fundamental tenet of the Liberal Party, and it is a view that is shared, I think, by many.

Certainly, it would be good if we could address this issue with respect. I have noted the press release from the Labor Party this morning. I will not be responding. I do not think it would help the debate. If the Labor Party wish to politick on this, if they wish to go down that route, that is their choice. I will not be engaging in a similar fashion. That is Mr Corbell's decision. I am a little disappointed and a little surprised. It is his right. As I say, in the interests of free speech, that is the way it goes. But I am not sure that it helps anybody on either side of the debate with regard to this issue.

I accept that there are limitations on free speech applied in our community and in our legislative instruments, but we need to find the right balance. That is why, as I have said, in the detail stage we will move an amendment which defines what my party considers to be the right balance.

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

Sitting suspended from 12.32 to 2.30 pm.

Questions without notice

ACT Health—quarterly reporting

MR HANSON: My question is to the Minister for Health. Minister, the ACT Health website displays the latest health quarterly report. On 23 September 2015 the latest quarterly report was from 2014. Reports due for March and June 2015 had not been released. In September I asked the minister:

> … do the unreleased reports for 2015 continue to show that ACT hospitals have the longest emergency department waiting times in Australia?

The minister did not answer the question. The March report, released in this month, shows that for four out of five measures the ED had worse waiting times than last

year. Minister, did you intentionally delay the release of these quarterly reports to avoid scrutiny of Canberra's hospital emergency departments' continuing poor results or, if it was for another reason, what was the reason for the delay?

MR CORBELL: No, I did not; absolutely not. In terms of delay, yes, there were some communication failures within the directorate that resulted in the delay. Those have since been rectified.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, will you commit to releasing all ACT Health quarterly reports on time from now on?

MR CORBELL: It remains the government's practice to release those reports in a timely manner and, yes, that is my intention.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, will reports next year be released on time, in the lead-up to the election?

MR CORBELL: We will continue with our quarterly reporting.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, why were ED waiting times for ACT hospitals worse in the 2015 March quarter than the previous year?

MR CORBELL: A range of factors impacts on waiting time performance in the ED. These, I think, are well understood. The first is in terms of an overall increase in the number of presentations. Members opposite would be aware that the number of presentations to the emergency department continues to grow at a significant rate, well above the population growth rate, and that is putting significant pressures on our ED. That is why the government is increasing the capacity of the ED. An extra 1,000 square metres of floor space is currently being constructed as well as a complete reconfiguration of the ED to provide for better patient flows through the department and to increase the total number of beds available by approximately 30 per cent. That is what we are doing to grow capacity in the ED.

The other factor, of course, in terms of waiting time is patient flows from the ED through into the hospital as a whole. The government is undertaking a significant body of reform work right now that is identifying how we can improve patient flows. I will have more to say about that in due course.

Transport—light rail

MR COE: My question is to the Minister for Capital Metro. Minister, the ACT government yesterday publically released DAs for the tram. Minister, will traffic lanes be removed on London Circuit to make way for tram tracks?

MR CORBELL: It is a requirement for extending capital metro along London Circuit that we use a part of existing traffic lanes; that is correct.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, will traffic congestion increase on London Circuit and on roads that feed on and off it as well?

MR CORBELL: A detailed analysis has been undertaken in relation to the performance of all intersections along London Circuit to make sure that it is within the capacity of the design of those intersections to accommodate those changes, and those conclusions have been appropriately drawn as a result of that analysis.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, will further studies on the effect of the Russell extension on the overall traffic model be completed by TAMS or the Capital Metro Agency in line with the recommendations from Parsons Brinckerhoff?

MR CORBELL: They have already been completed.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, is the Russell extension a fait accompli?

MR CORBELL: No, it is not. The government is very clear about its position in relation to the Russell extension and I reiterate it, again, for those opposite: we are looking closely at the opportunities that come from the potential expansion/extension of the capital metro project, from the Alinga Street stop through to the Russell Defence headquarters, along Constitution Avenue and London Circuit. We will make a decision as a government as to whether or not to proceed with an extension to Russell as part of stage one when we have concluded our assessment of the bids from the two short-listed consortia, which is due to occur early next year.

Schools—uniforms

MS PORTER: My question is to the Minister for Education and Training. Minister, on 25 September you launched a new policy regarding school uniforms, especially for high schools. Can you outline to the Assembly the details of this policy and what it will mean for local public high schools and their students?

MS BURCH: I thank Ms Porter for the question. The new draft policy has been written to reflect the feedback from the parent community across our schools. I was very pleased to announce that high schools in the ACT will have a new uniform policy in place from the beginning of 2017.

This announcement stems from views expressed by parents and carers from ACT public schools via research conducted in 2014. Feedback from the survey strongly indicated parents would like to see uniforms worn and enforced at high schools.

Members interjecting—

MADAM SPEAKER: Order! I want to be able to hear Ms Burch.

MS BURCH: Madam Speaker, there are many differing views on uniforms within the community; but this feedback showed that over 80 per cent of parents fully supported the introduction and strengthening of the school uniform policy in high schools.

In follow-up focus groups, parents indicated a preference for school uniform options that were more "traditional" in style. This view has also been mirrored by high school students who themselves have called for more traditional uniforms at a number of public high schools. More and more across the ACT, students themselves are choosing more traditional items that identify them as attending a particular school.

To support schools in meeting community expectations for high school uniforms, the dress standards and uniforms in ACT public schools policy has been developed. It will provide clear guidance to schools, boards, parents, students and the community in developing a school dress standard and school uniform. The policy requires the wearing of a school uniform at primary and high school level, with a more traditional-style uniform option being offered at high schools. Colleges will continue to have a dress standard approach to school attire.

I believe strengthening of the uniform policy in our schools is a demonstration of the growing pride students have in attending public schools, and an increased sense of identity students have with their school. Parents also report they feel school uniforms create unity and a sense of belonging.

The benefits of a school uniform may include promoting safety of students through easier identification. Certainly, parents have commented on keeping the cost of clothing within reasonable limits. Many who have had adolescents in their families understand the pressure that can be applied to have the latest and the greatest gear. The benefits also include assisting students to learn the importance of appropriate presentation.

This renewed policy is a strong step forward for our high schools in continuing to be places that students have pride in and parents have confidence in. I am very pleased to have the overwhelming support of parents in implementing this policy.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, how will this policy improve school pride and discipline in public schools, and what examples can you give to support this?

MS BURCH: Research suggests that uniforms contribute to positive student outcomes when included with a range of strategies designed to promote student identification with their school. There is strong evidence that school connectedness leads to increased academic outcomes, increased levels of student wellbeing and lower levels of violence and substance abuse. School uniforms in high schools are an important part of a school's plan to support the ongoing development of school pride and a sense of identity across ACT public schools.

The results of the focus groups with parents indicated a majority of participants thought uniforms were an important part of a school's pride and identity and they would support their introduction. Participants indicated that the lack of uniform affects the community's perception of our public high schools. Dress standards are a visible representation of the standards expected of our students. A school's dress standard plays an important role in promoting a positive image of that school.

Take, for example, Belconnen High School, where the principal says his students now hold their heads high when receiving awards at ceremonies where students from other schools are present. Further, he says that his students are now being photographed by the local media at these ceremonies where this did not occur previously. At Gold Creek School the principal reports that student conduct has improved greatly and that the uniform engenders a sense of belonging and ownership of the school and a responsibility towards it.

I am confident that the move to more traditional school uniforms will have a positive effect as these are adopted across our ACT schools.

MADAM SPEAKER: A supplementary question, Ms Fitzharris.

MS FITZHARRIS: Minister, how has the community reacted to this announcement?

MS BURCH: I thank Ms Fitzharris for her interest in this. The reaction from the community to date has been very positive. Over the past year I have had the opportunity to raise this at school P&C meetings, with teachers and principals and with individual parents and students. Every time I do there has been strong support for the idea and recognition that the value of school uniforms has been promoting a strong and cohesive school identity. Principals in particular have mentioned to me the great impact that implementing a school uniform has had on the behaviour and attitudes of their students.

As I mentioned previously, at Belconnen High School and Gold Creek school both principals have reported a strong turnaround in their cultures and students themselves have, indeed, embraced the uniform and the idea. The design of those more traditional uniforms has come from the school bodies themselves. Principals and teachers tell me students now identify more strongly with their school communities and have a great sense of pride.

These personal interactions are supported by the research we have undertaken. A survey of parents found that 81 per cent support the introduction of a more traditional uniform, and the vast majority thought they played an important part in the school identity. Whilst I have mentioned Gold Creek and Belconnen, back in September when I made this announcement I was very proudly at Calwell High School where the students there were demonstrating the new school uniform that will be in place for them in their school community come next year.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, how does this new policy link in with other actions you are taking to improve public schools in the ACT?

MS BURCH: I thank Dr Bourke for his question. This ACT government is committed to improving how we communicate with parents, carers and students. This includes the way we present our schools. How we present our system and engage with the community affects the overall perceptions of our public schools.

Our schools are some of the finest in the country, filled with students, teachers, staff and principals doing wonderful and amazing things each and every day, week in and week out. We have been talking about the positive stories and successes of our public schools to complement policy initiatives around parents and children at the centre and the quality teachers that are leading quality learning.

The Canberra public schools webpage and the new promotional video clip were designed based on feedback from parents and carers. The webpage contains information, policies and useful links for parents and carers, presented in a way that suits their needs. We also have the "Parents and students at the centre" and school success stories webpages, which detail some of the wonderful things that are happening in our schools. "Canberra public school alumni" was launched last year to showcase the achievements and successes of some of our past students of note. And a new video clip provides a snapshot of our magnificent schools and commits schools and the system to ensuring that we communicate with parents in a way that works for them.

What we have seen over consecutive school censuses is an increase in students in our public system. Every piece of policy, every improvement in our schools and every approach such as enhancing our school uniform policy raise that pride and will continue to raise the numbers in our public schools.

Housing—public

MS LAWDER: My question is to the Minister for Urban Renewal. Minister, as you know, recently the ACT Heritage Council provisionally registered 17 properties along Northbourne Avenue and surrounds on the ACT heritage register. Consequently, these properties will not be demolished as part of the government's public housing urban renewal program. On 19 February 2015, the ACT signed an agreement under the federal government's asset recycling initiative. Under that agreement, the ACT government has certain obligations in relation to its public housing stock and relocating Housing ACT tenants. Minister, what impact will the provisional registration of 17 Northbourne Avenue properties have on the ACT government's timetable for relocating public housing tenants out of Northbourne Avenue?

MR BARR: I thank Ms Lawder for the question. The timetable did provide sufficient flexibility for a range of unforeseen circumstances, so the advice I have is that it will not impact upon the government's overall program.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, what impact will not being able to demolish these 17 public housing properties on Northbourne Avenue have on the ACT government's asset recycling agreement with the commonwealth?

MR BARR: Potentially some impact, but that will be determined through the market process associated with the sale of those blocks. I think it is important to stress that those particular buildings will not be required to remain untouched and, in fact, can be incorporated into redevelopment and can be refurbished and re-purposed for a variety of different needs. I think there is a perception among some that these things are frozen in time. No, they are not; they can be adaptively reused and that can be part of, and will be part of, the government's approach to market.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, will the government receive less money from the commonwealth under the asset recycling agreement now that it is not able to demolish those 17 public housing properties on Northbourne Avenue and, if so, will the ACT taxpayer have to top up any shortfall to fund either light rail or its public housing urban renewal program?

MR BARR: I do not believe so but of course the process involved estimated land values at the time we signed the agreement with the commonwealth. So it is quite possible that in fact we will exceed the sale prices as the valuer has most land sales in the territory going well above the valuation benchmark. The most recent sales have been about 20 per cent above what was anticipated. Should that trend continue, then we will in fact significantly exceed our revenue targets in relation to those properties. Time will of course tell how the market responds.

The way the asset recycling initiative works is that a 15 per cent bonus is paid in tranches generally in relation to the process of selling an asset. That was certainly the case in relation to the asset sale associated with the TAB. I caution those opposite: you anticipated the government receiving between $10 million and $30 million for ACTTAB and we got over $100 million for it. The asset recycling initiative bonus was considerably higher and certainly ensures that the government has a considerable buffer in relation to overall asset recycling initiative goals.

Of course the program is still open. So it is open to the territory government to continue to participate in that scheme or, indeed, the other schemes that the new federal Treasurer has put before state and territory treasurers at the most recent meeting a few weeks ago.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, between February 2015 and February 2017 will the ACT's public housing stock fall below 10,848?

MR BARR: The ACT government's commitment under the asset recycling initiative is to have an agreed minimum amount of public housing as a result of our

participation in the initiative, so our goal through this process, and indeed through broader housing asset renewal, is to be able to grow the size of the public housing portfolio in the territory and we are undertaking a number of processes—

Mr Coe: Point of order, Madam Speaker, on relevance. The question was specifically about whether it would fall below 10,848 and I ask that he directly answer that question.

MADAM SPEAKER: I think the Chief Minister did say that it would not fall below, but if you would like to clarify that, Chief Minister, in concluding your remarks.

MR BARR: As I was saying, the government's commitment is to utilise the renewal process not only to provide high quality public housing for our tenants but to take opportunities where they present themselves to in fact grow the size of the portfolio. Obviously, as we move through this process the government is acquiring and building new properties and also disposing of some. There will be, of course, periods where we transition between acquisitions—

Mr Coe: Point of order, Madam Speaker.

MADAM SPEAKER: Could you let Mr Barr finish? I think he might be getting to the point.

MR BARR: where we move between acquisitions of new properties and disposal of others, but the government's commitment throughout this process has been, firstly, to ensure that anyone who requires relocation is able to be rehoused in a location of their choice and—

Mr Coe: Point of order, on relevance, Madam Speaker. The question was specifically about whether housing stock would fall below 10,848. That is either a yes or a no; or, if he does not know, we will accept that.

Mr Corbell: On the point of order, Madam Speaker, the question was about what the numbers would be. The Chief Minister is answering that question quite directly. He is explaining that as we move through a disposal and acquisition program—

MADAM SPEAKER: No, thank you. I think I can rule on the point of order.

Mr Corbell: the numbers move up and down. So he is not avoiding the question; he is being relevant, Madam Speaker.

MADAM SPEAKER: Thank you, Mr Corbell. The question was: between February 2015 and February 2017 will the stock fall below—and I think the number was 10,848. That is a fairly direct question. I have given the Chief Minister a fair amount of latitude and he has moved around the question, but I will now ask him to be directly relevant and concise to the point of 10,848. It is a legitimate answer to say, "I do not know", but in the remaining 30 seconds or so I will see if Mr Barr can answer the question directly.

MR BARR: Thank you, Madam Speaker. As I was saying, this involves the acquisition and disposal of assets at various points during that cycle and the government's commitment under the asset recycling initiative is to a minimum benchmark in relation to public housing provision. I say again, for the benefit of the Deputy Leader of the Opposition, that the government's intent and our great hope through this process are not only to increase the quality of public housing but to be able to add to its supply. *(Time expired.)*

Westside village—costs

MR WALL: My question is to the Minister for Economic Development. Minister, regarding the Westside container village, what was the projected number of patrons promised to businesses located at the site and how many people have actually visited?

MR BARR: I do not believe there ever was a number promised, but I am aware that over the various events that have been held at the site, more than 50,000 people have attended.

Mr Hanson: Was that to see your mad hatter's hat?

MADAM SPEAKER: Order!

MR BARR: I know that there is a major event associated with one of our city's major spring festivals to be held at Westside this weekend. Although I should not respond to interjections from the Leader of the Opposition, I will say this: he and his colleagues know more about the Tea Party than I ever will.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, how much money has the government spent at the Westside container village to date?

MR BARR: I understand the government's investment in the infrastructure and the associated works is around $970,000. That is consistent with the government's stated objective around activation of the precinct. With more than 50,000 having attended events there, and a strong program underway for the remainder of this year and a strong program being developed for 2016, we look forward to more than 100,000 people enjoying various activities and events, including the regular weekly markets, at Westside Acton Park.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, how many businesses have cancelled their leases or left the building since it opened?

MR BARR: I am not aware of many. There may be one or two. I will need to take advice in relation to that. In recent times there have been more businesses wanting to join. In fact, I have had the opportunity to officially open one or two of them in the

past couple of months. It is pleasing to see that there is strong interest in Westside. I know there are some critics. There are always critics of anything new or different. But I think the important thing is that this city demonstrates that it is capable of doing something a little different, something a little innovative.

In terms of Westside, I note that its key demographics are very happy with the precinct and the range of events that are held there. Yes, there will always be some for whom it is not their cup of tea, but that should not detract from the enjoyment that tens of thousands of Canberrans have already had and will have at this venue.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, has the government had to lower rents for businesses at the site?

MR BARR: I do not believe so. As I understand it, the rents were very low to begin with. I am happy to take some further advice in relation to rent levels. I understand that they are per container, not per square metre, but they are set very low because it is a temporary pop-up facility and it is designed to be there for a relatively short period of time, say two to three years, in advance of further development in the precinct. I note that work will commence in 2016 on the first stage of the city to the lake development adjacent to Westside, and the new community park, with some pavilions and event space, will be delivered as part of that first stage of the city to the lake project.

I note that the shadow tourism minister was a deep opponent of the Enlighten festival only five or six years ago, so he has form in not being able to pick events and activities that are very strongly supported by the Canberra community. Always the critic. Never anything positive to say about new ideas, innovations, events and activities in this city.

This side of politics is prepared to support some innovation and this side of politics is prepared particularly to support younger Canberrans to have spaces and places that they can go to and enjoy activities.

Health—infrastructure

DR BOURKE: My question is to the Minister for Health. Minister, can you please update the Assembly on what major health infrastructure projects have been completed at Canberra Hospital over the past few years?

MR CORBELL: I thank Dr Bourke for his question. The government, of course, does have a comprehensive capital works program, investing over $900 million in health infrastructure works over the past few years. This is a very big commitment on the part of the Labor government to improve the physical facilities available for the delivery of health care for our city and our community.

There has been a broad range of projects, but today I would like particularly to highlight those that perhaps have not received as significant an amount of attention as

they otherwise might. For example, there has been a very significant refurbishment of the Canberra Hospital pharmacy. The pharmacy, of course, is a critical part of hospital operations. It ensures that people are able to be discharged in a timely manner and, therefore, get the medications they need. The efficient operation of the pharmacy improves the overall efficiency of the hospital. The works have included a complete modernisation of the pharmacy to create a larger, brighter and better working environment for its staff, improved dispensary facilities, improved research facilities and improved staff security and safety.

We have also seen improvements to a range of areas involving waiting area space, improving patient flow and creating a better patient experience in various parts of the hospital. These capital upgrades have been to a total of around $230,000.

The government has significantly enhanced the operating theatres at Canberra Hospital as well. That includes the opening of two new operating theatres, two new anaesthetic rooms, a pump room, a sterile supply room and a new scrub area. These investments have seen an extra 500 procedures able to be performed each and every year at the Canberra Hospital as a result of this increased capacity.

We have also significantly invested in new scanning and imaging technology. The positron emission tomography-computerised tomography scanner suite at the Canberra Hospital is designed to close an existing gap in service delivery. Before the installation of the PET-CT scanner this technology was simply not available in our city or in our region, with patients requiring this type of imaging needing to travel to Sydney or Melbourne. As a result of the government's investment in this technology, we see in excess of 1,000 patients each and every year from Canberra and the surrounding region benefiting from this new service. This means less travel, less inconvenience and less disruption to the patients, their families and their day-to-day lives. So it is a very important investment in this new form of imaging capability.

In addition, the surgical assessment and planning unit located on level 2 of building 12 at Canberra Hospital is now in a completely new and refurbished area. This 16-bed unit is now enabling surgical patients presenting to the Canberra Hospital to be quickly transferred to a specialist surgical assessment unit where they can be comprehensively assessed prior to their surgery being undertaken.

These are just a few of the capital upgrades that have been underway or are now complete at the Canberra Hospital. They are delivering better health care for our city and for our community and, at the same time, they are making sure that we meet the ongoing growth and demand that we see across the health portfolio.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, can you please update the Assembly on the ongoing expansion of the ED at Canberra Hospital?

MR CORBELL: I thank Dr Bourke for his supplementary. Yes, another part of our upgrades to the Canberra Hospital is of course a $23 million expansion of the Canberra Hospital emergency department. This will provide for 21 more beds and treatment spaces, three more ambulance bays and an extra 1,000 square metres of

floor space in the ED. At the same time it will better integrate and provide a better layout within the ED as a whole. It will have an integrated paediatric streaming function, so that families with little kids are able to have their treatment managed in a way which is separate from that of adults. That is particularly important in a place like the ED, which can be a traumatic place at times, given the range of health conditions that our doctors and nurses need to respond to.

The project is being progressed over five stages, and these areas will open progressively as they are completed. Stage 1 is already well underway, with modules that make up the extension already in place. This extension will accommodate the emergency management unit and the mental health short-stay unit. This is a very effective form of construction methodology—a modular construction methodology—which is allowing us to deliver the project very quickly.

Stage 2 will focus on the paediatric streaming function, giving that speciality area that I mentioned before. Stage 3 is an expansion and remodelling of areas which will hold the newly designed subacute unit, with its own sub-waiting area and new beds. Stages 4 and 5 will focus on the upgrade of the main waiting area and the expansion of the resuscitation bays from three bays to five, as well as improving the configuration of the ambulance bays.

This is a very important upgrade in a critical area of our hospital. I am very pleased that we are well on track to deliver it.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, can you please update the Assembly about the new building 15 at Canberra Hospital?

MR CORBELL: I thank Ms Porter for her supplementary. Building 15 is of course the site previously occupied by the old psychiatric unit at the Canberra Hospital. It has now been completely demolished thanks to the government's investment in a new, purpose-built adult mental health facility at the hospital. Building 15 is a $16 million redevelopment of this site. I was very pleased earlier this month to officially open the building, a new 4,000 square metre building housing allied health and outpatient services including the renal unit, neurology unit, rehabilitation services, aged and community care and pastoral care services. This is a fantastic new facility.

It is worth highlighting that outpatient services are one of the busiest parts of our health system. There were more than 34,000 occasions of service and over 3½ thousand electronic referrals in July this year alone. So that really does highlight the significant volume of work that our outpatient area deals with.

This is a new facility which provides better working spaces for staff and better treatment and care facilities for patients. In particular, it is first of all unified. So it brings these services together in a much more coordinated and integrated way. Secondly it uses floor space more efficiently, including common waiting areas and consultation areas that are managed through a very efficient electronic booking system that provides for better utilisation of these treatment spaces. Finally it provides better access.

The location of the new outpatients building in building 15 on the campus includes dedicated set-down and pickup facilities. It is very close to the new southern car park. All of these are delivering more efficiencies in our health service and better care and better facilities for patients. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Ms Fitzharris.

MS FITZHARRIS: Minister, can you please update the Assembly on other infrastructure works underway at Canberra Hospital?

MR CORBELL: Of course this government is investing significantly in the Canberra Hospital. What I have been able to demonstrate today is a broad range of projects underway that are delivering better healthcare facilities for our city and for our community.

As part of the ongoing works across the hospital campus, there is also the replacement of the 45-year-old services contained under Hospital Road, which is the main road through the middle of the campus. This includes the upgrade or replacement of water, gas, high voltage electricity, information and communication technology infrastructure, and sewerage. To complete these works and to support the construction of building 15, Hospital Road has been closed since early 2015. It is expected to reopen later this year.

Another ongoing project is signage and way-finding. This project is focused on improving navigation for people around what is a large and complex hospital campus. We have done that in consultation with the community, and by engaging with a signage and way-finding stakeholder group. This group includes people with visual and physical impairments, people with medical conditions and people from different cultural and linguistic backgrounds, and bringing them together to help us make sure we improve signage and way-finding across the hospital in a logical and coherent way. I think that is very important on a large and busy hospital campus.

We have also started construction of a new specialised storage facility for cryogenics, which will deliver a cost-effective facility with modern equipment, doubling the capacity of the current store to preserve stem cells and research samples. So this is a very important investment in that area. It is a $1.1 million project and it is well and truly underway. *(Time expired.)*

Canberra visitor centre—relocation

MR SMYTH: My question is to the Minister for Tourism. What analysis has the government done on the impact of relocating the Canberra visitor centre to Regatta Point in terms of ease of access for tourists?

MR BARR: The government has considered a range of options for a new location for the Canberra tourist information service. We have particularly noted the significant change in the way that tourists are accessing and seeking tourist information, and that has been incorporated into our thinking in terms of the design and fit-out of a new visitor information centre for the city.

Undoubtedly the use of touch screens and digital information rather than a 1980s booklet and pamphlet style approach is going to be at the forefront of our new visitor information centre. The team at VisitCanberra have been working closely with the National Capital Authority with a view to co-location of a range of tourist information facilities—noting, of course, that the national capital exhibition is contained within the Regatta Point location.

Certainly that building provides a fantastic outlook over the central national area of our city and many of our city's most significantly well known tourist attractions. It is on the main road in the city, Commonwealth Avenue, and has a significant car parking facility adjacent to it.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what problems will the lack of parking at Regatta Point have for tourists seeking assistance at the visitor centre?

MR BARR: I believe actually there is more car parking adjacent to the Regatta Point centre than there is available in the space near the visitor information—

Mrs Jones: Caravans?

MR BARR: Including large spaces, because there are a lot of tourist buses, as I am sure Mrs Jones would be aware, that park to access the national capital exhibition.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what problems will the lack of public transport have on tourists seeking assistance at the visitor centre, given the nearest public bus stop is many hundreds of metres away?

MR BARR: It is my understanding that there will be bus stop facilities on Commonwealth Avenue, and that is a short walk from the centre.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, will Regatta Point be even less accessible for tourists once Floriade is relocated?

MR BARR: No, and in fact the enhancement of pedestrian traffic infrastructure associated with the first stage of the city to the lake project, including additional pedestrian crossings across Commonwealth Avenue and a change to the intersection configuration, will make the area more accessible for those coming in to park in any of the surrounding car parks but, importantly, will also make the facility more accessible for pedestrians.

Transport—light rail

MRS JONES: My question is to the Minister for Planning. Minister, do you have an estimated cost for the network identified in the master plan? If yes, what is the estimated construction and operational cost of the light rail network proposed in the master plan?

MR GENTLEMAN: I thank Mrs Jones for her interest in the light rail network and the master plan we announced just the other day. It is a fantastic opportunity to show Canberrans how public transport can spread across the territory. In regard to the specific question on cost, as I said the other day in answer to a question, master planning is done as a strategic planning instrument right across the territory. Master planning is done to outline axes of planning and opportunities for the future, and the master planning process does not take cost into account.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, when will the government outline the projected costs of construction and operation?

MR GENTLEMAN: As I answered the other day, projected costs are detailed for each light rail corridor in the business plans and business cases provided by the proponents at the time. So those will be developed for each light rail corridor, as we have done for stage 1.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, will the benefit-cost ratio for each leg determine the future staging of light rail?

MR GENTLEMAN: Yes, as we have done for stage 1.

MADAM SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, do you have any indication as to how much it will cost to finance the network provided in the master plan?

MR GENTLEMAN: As I said at the beginning of my answer to Mrs Jones's question, the light rail master plan and master plans across the territory are not about providing costs for future projections. They are about providing the overarching planning instrument for the territory. That is what we have done. We have announced a light rail master plan for right across the ACT, which includes the first leg, travelling across to the parliamentary triangle—servicing some 60,000 public servants commuting into that area—and then further down to Woden and Tuggeranong later on. The light rail master plan that we announced the other day services the whole of the ACT.

Planning—Red Hill

MR DOSZPOT: My question is to the Chief Minister. In July last year I wrote to you, Chief Minister, about a disused preschool on community land in Quiros Street, Red Hill. In that reply you said:

> The land is classified as community facilities land use under the Territory Plan and demand for this land is high … The government is considering a range of options to better consolidate and manage its property portfolio and I will be making further announcements in the coming months.

That was 15 months ago. Can you advise what the government's plans are for this area and for the disused buildings?

MR BARR: I thank Mr Doszpot for the question. The buildings will be demolished and the government will commence a consultation process in relation to new facilities that could be constructed on the site within its community facilities zoning land use opportunities.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, can you define what plans there are to rezone the area and, if so, for what and at what stage are they?

MR BARR: It is a real problem when members do not even listen to the answer before they then—

Mr Doszpot: I listened to the answer. You haven't answered the question.

MR BARR: If the shadow minister had listened to my answer: I said that the government are looking at options within the existing community facility land zoning—no changes to the zoning—and we are looking at a range of options that would be permissible under the community facility land use zoning.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, what consultation has the government or its agencies had with the local community about potential other uses, particularly in the past 15 months?

MR BARR: There have been some preliminary discussions with the community. I signed some correspondence about an hour ago in relation to this matter, so I am very familiar with the issues that have been raised. The government has indicated, and I have indicated in that correspondence to some local residents, that we will be demolishing the buildings. That is the first step and then we will be undertaking consultation in relation to potential future uses of the site within the community facility zone.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, when does the government expect to make a decision regarding the plans, and what are the potential uses that you envisage within the CFZ?

MR BARR: The government will make a decision after the consultation period has concluded and we have had an opportunity to consider the range of options. In relation to the range of options that are available under the community facility zone, I would invite the shadow minister for planning to look at the territory plan, which I am sure he is familiar with, which outlines the range of potential uses for the site, which range from supported accommodation through to a range of other community facilities.

Transport—ride-share services

MS FITZHARRIS: My question is to the Chief Minister. Chief Minister, could you update the Assembly on the progress of the government's reforms of the on-demand transport industry?

MR BARR: Today and tomorrow the government is making historic changes to the on-demand transport industry in Canberra. This morning the Minister for Justice and Minister assisting the Chief Minister on Transport Reform, Mr Rattenbury, and I signed a regulatory exemption to permit ride-sharing services to operate in the ACT. Canberra will become the first place in Australia where people will be able to take a ride-sharing service knowing that that service is legal and that it is regulated. Not only are we the first in Australia to do this but also we are one of the very few jurisdictions in the world to do this before services of this kind started to operate in our city.

As of tomorrow—Friday, 30 October—ride-sharing and third-party taxi booking services will be allowed to serve passengers here in Canberra, enabled by the regulatory exemption that we signed today.

Ride-share operators, drivers and vehicles will be subject to a range of strict safety conditions from day one, including that drivers must have police and traffic background checks as well as medical checks in some circumstances. Vehicles must have roadworthiness inspections by an ACT authorised examiner from an ACT authorised inspection station holding a motor vehicle repairer licence.

Specific compulsory third-party injury insurance arrangements will be in place for ACT drivers of ACT licensed vehicles. Ride-share vehicles must also be covered by third-party property insurance and booking services will have well-defined responsibilities for activity reporting as well as for their dealings with customers, including complaints and lost property. The government has insisted and expects that ride-sharing activity will meet the safety standards demanded by this community and will meet their expectation of quality services.

These arrangements are temporary. They reflect the government's determination, if I can borrow the words of the new Prime Minister, to be agile in the face of change.

Today I have brought into this place a bill to bring about full, permanent reforms to the on-demand transportation industry in Canberra, including a new framework to permit and regulate all kinds of booking services it could operate in the territory over time.

Let us be clear: our framework is not about one company or one business model. In a world that moves fast and changes fast, this framework is designed to meet the challenges of regulating today but also regulating the wide range of services that we know will emerge in the future.

MADAM SPEAKER: A supplementary question, Ms Fitzharris.

MS FITZHARRIS: Chief Minister, could you explain to the Assembly how these reforms will benefit consumers in the ACT?

MR BARR: We will always seek to put our community and our consumers at the heart of decisions and reforms that we make. More choices and lower prices are at the core of that approach, and that is exactly what today's reforms will deliver for consumers in the ACT. The government has listened to the overwhelming views of Canberrans, listened to their desire for better public transportation in the territory, and this is what they want to see in their city. We have worked to meet that vision, and I am proud to say that through these regulations, and the legislation I have introduced today, we have achieved it.

Today's reforms will provide broader and more differentiated choice about how to travel in the ACT. There will be new ways to book travel, new types of vehicles, new types of customer service and new ways to pay for travel. With new alternative business models come new fare structures to choose from. New businesses and new business models will mean more competition in the ACT—more competition which is good for consumers and will lower prices.

Competition is at the core of these reforms. With respect to how it will work for Canberrans, competition will lead to lower prices; competition will lead to higher quality; competition will lead to improved reliability and responsiveness; and it will lead to improvements in transport provision for Canberrans.

It speaks volumes about the state of the Canberra Liberals that they are now the party that is anti-competition. They want to protect the cartels. They are against competition, they are against Canberra consumers and they are against the future.

MADAM SPEAKER: Dr Bourke, a supplementary question.

DR BOURKE: Chief Minister, could you explain to the Assembly how these reforms ensure a level playing field to the existing industry and the central role that taxis will play in Canberra's transport future?

Opposition members interjecting—

MADAM SPEAKER: Order! Let us try not to anticipate too much. Mr Barr.

Mr Wall: Are the fees the same for both?

MR BARR: Thank you, Madam Speaker. Essential to competition is a level playing field. The government has sought to deregulate and reduce fees to ensure—

Opposition members interjecting—

MADAM SPEAKER: I am sorry, could you sit down please Mr Barr. Stop the clock. I call the opposition to order. Mr Wall, Mr Coe, Mr Hanson and Mrs Jones have all been fairly noisy. So I am collectively calling you to order. Mr Barr.

MR BARR: Thank you, Madam Speaker. The government will be slashing fees associated with licensing for both taxis and hire cars. The annual licence fees, lease fees, for government-owned taxi licences will be halved from $20,000 to $10,000, putting $10,000 back into the pockets of drivers. Then they will be halved again to $5,000, putting more money back to drivers, particularly those who lease directly from the government.

Annual licence fees for hire cars, to go to the interjection of Mr Wall, are reduced from $4,600 to $100, the same as ride-share services. Taxi and hire car operation accreditation fees will be entirely abolished. Training costs and requirements are being reviewed. Red tape is being stripped away from this industry.

Reform in this area has been recommended by every serious economist who has looked at this issue over decades—the Productivity Commission and most recently the Harper review of competition. I might add, in case those opposite have missed the change in approach from their federal colleagues, the new federal Treasurer, Scott Morrison, has encouraged states and territories to implement the Harper competition reforms, one of which was deregulating the taxi industry and supporting ride sharing. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, what has been the national and international reaction to these reforms?

MR BARR: I am pleased to advise that the federal Leader of the Opposition and indeed Ed Husic, the federal spokesman in this area, and Andrew Leigh, the federal assistant shadow treasurer, have all come out in support of the ACT government's approach. It is pleasing to see that across the country and indeed around the world we have received strong endorsement for the agility of the ACT government in responding to the sharing economy, to put in place a policy framework that is supportive of competition and that puts consumers first. And is that not a good thing, Madam Speaker, putting consumers first? This is why the *Courier-Mail* said:

> There's no reason this could not be a template for the rest of the country. It certainly should not take Queensland another year to understand what the ACT has done and see if the plan can be applied here.

The NRMA commended the ACT government on being the first to provide clarity and consistency in the regulatory treatment of ride-sharing services:

> "…This will better protect drivers and passengers, provide a level playing field for traditional transport providers and ultimately raise the bar for safety in the broader transport industry," NRMA Insurance Executive General Manager, Product & Underwriting, Tracy Green said.

This is an issue that is confronting governments around the world. In the United States and in Japan, where I have been recently, the ACT government has been commended by various local government and state level jurisdictions for the approach we have taken. Many jurisdictions are interested in looking at, and in fact adopting, the framework that we have put in place here in the ACT and it is recognition of how a small jurisdiction can lead this nation and the world, attract new investment, get a better outcome for consumers but, most importantly, ensure that people can move around our city. *(Time expired.)*

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

Legislative Assembly—accommodation
Statement by Speaker

MADAM SPEAKER: Members, I provide a further update on the accommodation project for the expanding Assembly. I last updated the Assembly on 13 August 2015. Following a public tender process the construction firm Built Holdings Pty Ltd was selected as the design and construction contractor. The first phase of works commenced in mid-September and involves the refurbishment of approximately 600 square metres of office space on level one of the North Building.

In my last update I advised the Assembly that the expected completion date for this phase of the works was January 2016. I am pleased to advise that the contractor has now revised that and anticipates the work will be completed prior to Christmas. This will mean that approximately 30 OLA staff spanning Hansard, technology, the library, governance, education, finance and human resources functions will relocate to the new premises across Civic Square just prior to Christmas.

This will pave the way for the second phase of works in the northern wing of the Assembly building and these works are scheduled to start in the second week of January 2016. Members will be aware that these works will result in six new suites being constructed for ministers and members, as well as improved meeting and catering facilities on level one. These works are currently scheduled to be completed by May 2016.

The third phase of the works is the replacement of carpet and repainting throughout the building and takes advantage of the construction window. However the Treasurer and I, in conjunction with the project team and other relevant officials, have been exploring funding options that would allow a further scope of building refurbishments. Doing these works in the construction window would be more cost effective and less disruptive.

A number of aspects of the design detail and the construction schedule, including the impact on building occupants, are currently being finalised between the project team and the contractors and I expect to be able to provide members with more comprehensive information on the construction scope and timetable during the final week of sitting this year.

Papers

Mr Barr presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Andrew Beaumont, dated 16 September 2015.

Andrew Parkinson, dated 24 September 2015.

Bronwen Overton-Clarke, dated 22 September 2015.

Short-term contracts:

Andrew Pedersen, dated 1 and 6 October 2015.

Andrew Pedersen, dated 18 and 22 September 2015.

Brett Monger, dated 22 and 24 September 2015.

Danielle Krajina, dated 29 and 30 September 2015.

David Nicol, dated 2 and 18 September 2015.

David Pryce, dated 21 and 22 September 2015.

Derise Cubin, dated 9 October 2015.

Dominic Lane, dated 9 and 12 October 2015.

Gaynor Stevenson, dated 8 October 2015.

Kaye Yen, dated 29 and 30 September 2015.

Luke Jansen, dated 7 and 17 September 2015.

Mark Brown, dated 23 and 24 September 2015.

Megan Brighton, dated 7 October 2015.

Rex O'Rourke, dated 16 and 17 September 2015.

Contract variations:

David Matthews, dated 25 and 29 September 2015.

Francis Duggan, dated 25 and 29 September 2015.

Maureen Sheehan, dated 23 and 24 September 2015.

Nicole Pulford, dated 17 and 21 September 2015.

Rex O'Rourke, dated 25 and 29 September 2015.

Richard Baumgart, dated 25 and 29 September 2015.

Thomas Gordon, dated 17 and 21 September 2015.

Yu-Lan Chan, dated 21 and 22 September 2015.

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

ACT Civil and Administrative Tribunal—Determination 11 of 2015, dated October 2015.

ACT Magistrates Court Judicial Positions—Determination 9 of 2015, dated October 2015.

ACT Supreme Court Judicial Positions—Determination 8 of 2015, dated October 2015.

Chief Executive Officer—Canberra Institute of Technology—Determination 14 of 2015, dated October 2015.

Director of Public Prosecutions—Determination 10 of 2015, dated October 2015.

Members of the ACT Legislative Assembly—Determination 7 of 2015, dated 25 September 2015.

Part-time Public Office Holders—Determination 12 of 2015, dated October 2015.

Schools Education Advisory Committee on Digital Citizenship—Determination 13 of 2015, dated October 2015.

Territory-Owned Corporations Act—Icon Water Ltd
Paper and statement by minister

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

Territory-owned Corporations Act, pursuant to subsection 9(2)—Icon Water Limited—Summary of changes to the constitution—Statement to the Assembly.

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

Leave granted.

MR BARR: I do not know why I am making this statement. In accordance with section 9(2)(b) of the Territory-owned Corporations Act 1990 I hereby notify the Assembly that changes have been made to the constitution of Icon Water Ltd, formerly ACTEW Corporation, and I table this document for the information of members.

Pricing of regulated water and sewerage services—final report—government response
Paper and statement by minister

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

> Pricing of regulated water and sewerage services: Review of the regulatory framework (The Grant Review)—Final report—Government response.

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

Leave granted.

MR BARR: I present to the Assembly the government response to the final report *Pricing of regulated water and sewerage services: review of the regulatory framework*, otherwise known as the Grant review. This has been developed following government consideration of the Grant review's final report which was publicly released in June this year.

The tabling statement also incorporates the provision to the Assembly, as agreed by the government in its response to the Standing Committee on Public Accounts report No 7, *Review of the Auditor-General's report (No 2) of 2014*: *water and sewerage pricing process*. This is an update on the progress made by the government to improve the water and sewerage pricing framework in the territory.

The government commissioned Mr Peter Grant PSM to undertake a review of the water and sewerage pricing framework in order to action its commitment made as part of our formal response to the Auditor-General's *water and sewerage pricing process report (No 2) of 2014*. The Grant review contains four recommendations to the government which reflect Mr Grant's broad consideration of the overall regulatory framework, governance and accountability arrangements, the legislative framework and resourcing arrangements for the Independent Competition and Regulatory Commission.

The government response represents the government's considerations of the findings of the Grant review and outlines its preferred way forward for implementing improvements to the regulatory framework for the provision of regulated pricing services in the territory. In considering the ongoing appropriateness of the current independent commission-led regulatory model, the government recognises that the co-regulatory approach has served the territory well since 1997.

However since the introduction of the current regulatory approach in 1997 the regulatory environment for water and sewerage, electricity and gas prices in the ACT has undergone significant structural changes with a diminishing role for the territory-based pricing regulator in particular in relation to pricing in the electricity sector. These changes mean that the ICRC's responsibilities have reduced over this period and the commission's remaining pricing responsibilities are for determining regulated water and sewerage prices and regulated electricity prices for small customers.

The government has decided that, in line with recommendation 1A of the Grant review, in the short term the current commission-led regulatory model will continue. The government will seek in the coming months to make a number of improvements to the regulatory framework in line with many of the recommendations for

improvement made by Mr Grant. These changes will help improve the operation and effectiveness of the current regulatory model in advance of the next major price investigations due to occur between mid-2016 and 2018.

However the government will also continue to undertake further work to consider alternative approaches to the overarching regulatory model used in the territory that could potentially be implemented in the medium term. This work will consider, in depth, potential alternative regulatory models, including the potential for an approach that incorporates a contracting out arrangement for major work associated with pricing investigations. The government considers there may be merit in the development of a tailored regulatory model for the territory which may potentially allow for the required regulatory pricing services to be delivered in a more cost-effective and efficient manner.

The continuation of the current regulatory model in the short term will be supported by the introduction of improvements to the overall governance and accountability arrangements in line with recommendation 2 of the Grant review. In consultation with key stakeholders the government will seek to develop improvements to these arrangements, in particular to allow the government to take, where appropriate, a more active role in setting the high level framework for a pricing investigation as recommended by the Grant review.

The government will, in line with recommendation 3 of the Grant review, seek to introduce in 2016 significant legislative amendments to the Independent Competition and Regulatory Commission Act 1997. While the current legislative framework has provided a strong foundation for the operation of the regulatory system the Grant review has identified a number of areas in which the ICRC Act can be improved. The government will also utilise this opportunity, in consultation with key stakeholders, to refine and improve as appropriate other parts of the ICRC Act which directly relate to the provision of pricing services in the territory.

Recommendation 4 of the Grant review makes recommendations about ways in which the sustainability and resourcing for the ICRC can be improved. The government will consider during the 2016-17 budget process the issues raised by the Grant review regarding resourcing arrangements for the regulator.

The government is committed to introducing significant improvements to the pricing regulation framework that operates in the territory. Today's tabling of the government response to the Grant review represents an important milestone in the reform process. This step will be followed, as I foreshadowed earlier, by further work to develop appropriate amendments to the ICRC Act for consideration by the Assembly in 2016, as well as ongoing work to improve governance and accountability arrangements.

The detailed consideration undertaken by Mr Grant in his review has provided the government with a strong basis for ongoing efforts to improve the regulatory framework for water and sewerage prices. I thank Mr Grant for his comprehensive review of the framework and I look forward to ongoing work in consultation with key stakeholders to implement the agreed changes arising from the Grant review. I commend to the Assembly the government response to the Grant review.

Auditor-General's report No 1 of 2015—government response
Paper and statement by minister

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

> Auditor-General's Act, pursuant to subsection 17(6)—Auditor-General's Report No 1/2015—Debt Management—Government response.

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

Leave granted.

MR BARR: Today I am tabling the government response to Auditor-General's Report No 1 of 2015 on debt management, which was tabled in the Assembly in February of this year. The government welcomes the Auditor-General's report and its independent view of the effectiveness of the territory's debt management arrangements. I am pleased to advise the Assembly that the report does not identify any serious weaknesses in the current debt management arrangements within ACT government entities. I repeat: I am pleased to advise that the report does not identify any serious weaknesses in the current debt management arrangements. In fact, the report states that the five directorates selected for detailed analysis as part of the audit had overall sound procedural and administrative arrangements for debt management.

The report makes nine recommendations aimed at strengthening the existing arrangements for collecting, monitoring and reporting debt by ACT government entities, specifically debt owed by non-ACT government entities. The government agrees to two, agrees in principle to one, and notes the remaining six recommendations in the report.

While the government appreciates the extensive work undertaken by the Auditor-General in this audit and the possible areas of improvement highlighted in the report, as the Auditor-General notes, this is a complex issue and a one-size-fits-all approach is not suitable in this instance. The implementation of the six recommendations that are noted in the government response is constrained by a number of complexities, including agency-specific legislation and policies, variability of debts, social sensitivities, and commercial and ICT considerations. These issues make it challenging to implement consistent, meaningful and cost-efficient improvements for broad application by agencies.

The government, however, always seeks to improve the effectiveness and efficiency of its operations. As a result, the government is implementing alternative strategies to further improve its debt management practices, taking into consideration the costs and benefits of changing its current approach. The targeted alternative strategies specified in the government response are aimed at achieving the desired outcomes for the audit recommendations as far as is reasonably feasible and justifiable within the constraints I have specified.

The government will develop whole-of-government guidance on best practice principles for debt management. Agencies will then be asked to review their debt management procedures to identify and implement improvements for their specific debt profile, taking into consideration legislation, policy and ICT considerations. Additional measures will be considered to improve the levels of scrutiny and reporting of debt management within agencies to assist facilitation of enhanced debtor management.

The government takes debt management seriously and has already been proactive in improving its debt management arrangements. The strategies proposed in the government response clearly demonstrate the government's commitment to further enhance these arrangements by establishing a more robust framework for efficient and effective processes for debt management within the territory government. I commend this government response to the Assembly.

Papers

Mr Barr presented the following paper:

> Financial Management Act, Pursuant to section 14—Instrument directing a transfer of funds from the Chief Minister, Treasury and Economic Development Directorate to the Territory and Municipal Services Directorate, including a statement of reasons, dated 19 October 2015.

Mr Corbell presented the following papers:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Justice and Community Safety Directorate—Addenda.
>
> Health Act, pursuant to subsection 15(4)—ACT Local Hospital Network Council—Annual Report to the ACT Minister for Health—2014-2015 Financial Year, dated 28 August 2015.
>
> Official Visitor Act, pursuant to section 17—Mental Health Official Visitors—Summary report—July 2014-June 2015.

Climate Change and Greenhouse Gas Reduction Act—annual report by independent entity

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:

> Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 12(4)—Annual report by independent entity—ACT Greenhouse Gas Inventory for 2014-15: with recalculations for 2012-13 and 2013-14, dated 20 October 2015, prepared by Pitt&Sherry

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

Leave granted.

MR CORBELL: Today I am tabling the greenhouse gas inventory report for the 2014-15 reporting period, prepared on behalf of the territory by independent consultants Pitt&Sherry. This is the first time that the ACT has been provided with an inventory that reflects greenhouse gas emissions from the most recent financial year. In previous periods these inventories have been prepared two years in arrears due to delays in gathering data and a reliance on greenhouse gas reporting prepared by the Australian government through the national inventory report. By adopting this new approach, we will ensure greater transparency and accountability in emissions reporting and we will have a substantially better understanding of the immediate effects of mitigation actions from the territory's emissions and on our progress towards the first interim target in 2020.

Importantly, this latest inventory also adopts the methodology that is based on international best practice through adherence to the 2006 IPCC, Intergovernmental Panel on Climate Change, guidelines for national greenhouse gas inventories. The inventory is also consistent with the internationally recognised Global Protocol for Community-Scale Greenhouse Gas Emission Inventories released in 2014.

This year greenhouse gas emissions in the territory have risen, but this is substantially due to factors outside the ACT's control. The current greenhouse gas inventory estimates emissions from the territory in 2014-15 as 3,934 kilotonnes of CO_2 equivalent, including emissions from land use, land use change and forestry. This is around 4½ per cent above our estimated emissions from the 2013-14 reporting period. This increase is attributed to a range of interrelated factors, including increased emission factors in the national electricity market, winter temperatures and an increase in transport fuels.

In particular, electricity continues to be the largest single source of emissions in the ACT, accounting for 56 per cent of emissions. Photo-electricity emissions increased by around two per cent from 2013-14 to 2014-15. However, this was on the back of an increase in demand of only 0.7 per cent. The increase in electricity emissions therefore is due to an increase in the emissions factor used to calculate emissions from electricity generation. This increase incorporates updates from the Australian Energy Market Operator, AEMO, and, significantly, includes the period during which the impact of the repeal of the national carbon price from July 2014 occurred.

The effect of the repeal of the carbon price has been an overall increase in the amount of coal-fired electricity available in the national electricity market and a corresponding decrease in renewable energy generation. Total gas emissions increased by around six per cent from 2013-14 despite an increase in gas prices. This has been linked to what the Bureau of Meteorology has confirmed as the coldest Canberra winter in 15 years.

Pleasingly, the percentage of renewable energy consumed in the ACT is still at a good level—although it fell from 19.8 per cent in 2013-14 to 18.5 per cent in 2014-15. This

reflects the overall decrease in the amount of renewable energy in the national electricity market as a result of the repeal of the carbon price, where a reduction in hydrogeneration has been replaced by an increase in electricity generated using brown coal.

ACT production of large-scale renewable energy generation began in 2014-15, with the Royalla Solar Farm producing 34 gigawatts of clean energy. However, this has not been enough to counter the drop in renewable energy in the national electricity market overall. ACT rooftop solar generation has increased from 55 gigawatt hours to 56 gigawatt hours, of which 31 gigawatt hours is eligible for a feed-in tariff payment.

Transport emissions increased by around seven per cent on 2013-14 and show a continuing upward trend. Transport emissions now account for 26 per cent of total ACT emissions, increased from 25 per cent previously. While the consumption of unleaded fuels appears to remain static, diesel fuel sales have shown an upward trend across fuel retailers in the ACT, reflecting a trend towards the increased fuel efficiency these vehicles offer.

Additional sources of transport fuel data have been included beyond what is collected under the Environment Protection (Fuel Sales Data) Amendment Act. That only includes fuel sold from retail service stations and does not account for bulk storage facilities. Together these account for the greater than predicted increase in emissions for the transport sector.

Waste emissions increased the largest of the reported sectors, by 24 per cent between 2013-14 and 2014-15, albeit from a much lower base. This follows a continual upward trend in emissions from waste, in line with population and economic trends, and highlights the need for new energy from waste infrastructure.

Greenhouse gas emissions per person increased in 2014-15 by an estimated three per cent but remain under the level of peaking emissions recorded in 2012-13, which were around 12 tonnes per person—under 10 tonnes per person in the latest reporting period. This is clearly not a continuing trend. The greenhouse gas emissions from the territory will continue to decline as more renewable energy becomes available, particularly though our large-scale solar and wind energy generation projects.

I would like to recognise the work of the independent consultant at Pitt&Sherry for their work in preparing this inventory in a very short period of time and of those organisations that have assisted through the provision of data at what is traditionally a very busy time of the year. I commend the report to the Assembly.

Emergencies Act 2004—review
Paper and statement by minister

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

> Emergencies Act, pursuant to subsection 203(2)—Review of the operation of the *Emergencies Act 2004*, dated October 2015

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

Leave granted.

MS BURCH: I am pleased to present the report on the review of the operations of the Emergencies Act 2004. Section 203 of the Emergencies Act requires that I review the operation of the act at five-yearly intervals and that I present a report on the review to this place within three months of the day that the review started.

The Emergencies Act established the legislative framework for emergency planning, prevention, response and recovery operations within the territory. The act seeks to protect and preserve life, property and the environment and to provide for effective and cohesive management by the emergency services commissioner of the four emergency services and the operational and administrative support providers.

Canberra's status as the bush capital makes us uniquely vulnerable to natural disasters such as bushfires and extreme heat events. This necessitates that our emergency arrangements be of the highest order. The government is committed to ensuring that residents of the ACT are protected by well-resourced, high-quality, responsive emergency services.

This review has provided a valuable opportunity to take stock of our arrangements to ensure that we continue to deliver on that commitment. The review was supported by an extensive consultative process, and a discussion paper was publicly released for a wide variety of ACT government websites, internet and social media channels.

Stakeholders such as volunteer representatives, unions, the ACT Bushfire Council and the Conservation Council ACT Region were invited to contribute to the review. Submissions were also received from a number of members of the public. I would like to thank all the persons and organisations that have contributed to this review.

I am pleased to say that the review found our arrangements to be generally of a high quality and reflecting best practice. In terms of the Emergency Services Agency's structure, the review found that the ACT model, a public service agency led by a single commissioner who provides strategic direction and oversight to the various emergency services within the agency, is increasingly being adopted by other jurisdictions.

The current model ensures a seamless and coordinated response across the agencies and services to crises and emergencies that face our community. The current model respects and values the identity and history of the four emergency services while delivering efficiencies and economies of scale in support services such as training and logistics.

The current ESA model is considered the most appropriate for the ACT. However, it has been noted by the ESA that on some occasions emergency service members may have adopted an operational silo approach. As you know, we made a number of amendments to the act in 2014, and those amendments strengthened the

ESA's delivery of its services to the community. Further improvement is now required to bring the various emergency service bodies closer together and ensure that the ESA operates as a coherent whole.

The ESA's strategic reform agenda seeks to improve operational effectiveness through a unified executive so that the agency operates as one organisation, delivering services to the community as one entity while respecting the operational and support services that work underneath it. As I have previously outlined to the Assembly, the objective of the strategic reform agenda is to ensure that the ESA continues to provide the highest standards of emergency services to the community through cohesive operations, a collaborative management team and a unified executive.

While this review has found that the act establishes the most effective framework for emergency planning and response in the ACT, it has identified a number of minor amendments to further improve the act's operations. The amendments recommended by the review would improve the ESA's ability to adopt an all-hazards approach to emergency planning and response; improve community safety by strengthening bushfire-related offences and the ability of the ESA to deal with potential hazards; improve the governance of the ACT Bushfire Council; strengthen the internal processes of the ESA; and remove from existing legislation potential inconsistencies and inefficiencies that hinder the effective response to emergencies. The ESA will now work on developing the necessary legislative amendments arising from the review, with a view to introducing them here next year.

In presenting the report, I would like to take the opportunity to thank all the members of the Emergency Services Agency, both the paid staff and the many volunteers. The effective emergency management framework that we have here in the ACT would be of little use without the many dedicated men and women who work day and night to protect and serve the people of Canberra. I am sure that all members in this place would share my gratitude for the outstanding firefighters, paramedics, Rural Fire Service, SES volunteers and ESA support staff that we have here in Canberra.

As minister, I am committed to ensuring that those members have the resources and the powers available to do their jobs as best they can. This review forms an important part of meeting that commitment. I commend the report to the Assembly.

Planning and Development Act 2007—variation No 335 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 335 to the Territory Plan—ACT Government Land Release Program—Charnwood section 97 block 6—Zone changes, dated 16 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: Tabling the variation to the territory plan No 335, the variation proposes to change block 6, section 96 of Charnwood from TSZ2 services zone to CFZ community facilities zone. The variation for the site in Charnwood was part of the first omnibus of seven draft variations to the territory plan that were released in 2014 in support of the government's land release and public housing redevelopment programs. Variation 335 is the final variation I have approved from the package of sites.

Draft variation 335 was released for public comment between 7 November 2014 and 19 December 2014 and attracted no public submissions. A report on consultation was prepared for variation 335. However, no changes were made to the variation as there were no issues raised in consultation.

Before the draft variation 335 was released for public comment, non-statutory pre-consultation with the community was carried out by the Chief Minister, Treasury and Economic Development Directorate. Three written submissions were received from the community. A report on the non-statutory consultation was made publicly available and was considered as background preparing for the DV335.

The government intends to release a site for a childcare centre. The site is next to existing community facility zoned land and variation 335 enables the whole section of land to be dedicated for a range of community uses permitted under the community facility zone. These uses include a childcare centre, a place of worship, health facility or supported housing. I have been advised by LDA that, with the approval of this territory plan variation, 100 new places will be released for auction. That is, 100 new childcare positions in the area will be released for auction by the LDA in 2016-17 for purchase for a future provider.

The government's intention to release a site for child care prompted an environmental investigation into the contamination of the site due to its previous use as a fire brigade depot. The assessment for contamination of the site was deemed necessary to assess the grounds' suitability for a proposed childcare centre. This has been completed and the report has been endorsed by the Environment Protection Authority. The report on the consultation prepared by variation 335 responds to, in full, the issues raised by the EPA.

Under section 73 of the Planning and Development Act, I have chosen to exercise my discretion and not refer the draft variation to the Planning, Environment, Territory and Municipal Services Standing Committee as there are no outstanding issues.

Paper

Mr Gentleman presented the following paper:

> Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 July to 30 September 2015.

Rates increases
Discussion of matter of public importance

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

> The impact of rates increases on the Canberra community

MR WALL (Brindabella) (4.03): With less than a year to go to the ACT election it is mighty surprising to see that no-one from the opposite side of this chamber, no-one from the government, thought it important enough to submit a matter of public importance today. I think that is just ironic. But, never fear, the Canberra Liberals are here to raise the opinions of members of our electorates and the concerns of members of our community here in the chamber today, most importantly, on the impact that rates are having on many Canberra families.

The impact of rates increases on the Canberra community is enormous and it is felt by families, pensioners and individuals alike across this territory. The discussion really becomes more about the issue of fairness, the fairness of imposing increase after increase of not only rates but all manner of fees and charges on the average Canberra rate payer, with very little in the way of return from this government.

In 2012 my colleagues and I took to the ACT electorate a very simple message which was an important one for them to remember: Labor or Greens equals triple your rates. Those opposite denied this fact, argued against it and said that this was untrue. But may I say, Mr Assistant Speaker, the truth is in the figures and the pie is growing. Rates are tripling and Canberra families are the victim for this.

The evidence of rates tripling and crippling many Canberrans is well and truly proving true as we prophesised in the 2012 election. Mr Barr claimed that rates would not triple "in our lifetime" and then clarified by saying, "At the end of the century sometime maybe." However this year's budget provides evidence to the contrary.

In the budget papers in the year prior to Mr Barr's so-called economic reform, the revenue from rates totalled just over $198 million. The total rates revenue for last year for forward estimates is nearly $554 million. That is an increase of 2.8 times, and that is only eight years into these reform changes. They are well on the way to tripling.

Looking at some of the increases for home owners in my electorate of Brindabella, the evidence there is alarming. In the three years since the 2012 election, residents in suburbs such as, say, Fadden have seen their rates increase by over $400, in Calwell over $400 and in Conder over $350. In Banks, residential rates were $1,199 at the time of the last territory election. This year residents are paying $1,628. In Monash rates are up from $1,240 in 2012-13 to $1,544 this year.

Let us compare that with how other items in the community are going up. It is nice to do a comparison every now and again against the consumer price index. It gives a good indication of how the cost of living has changed in comparison to these increases. To put it into perspective, in Monash—a suburb that I have just listed—if you applied CPI, residents there would currently be paying an average of $1,228, not $1,628.

Richardson is an interesting one. This is the suburb that has been identified as the suburb of greatest disadvantage within the Tuggeranong area. This is a suburb where people are doing it tough. In Richardson, before Mr Barr started his tax reform, rates, on average, were $1,136. If you apply the CPI increases through to today they should be around about $1,205 but, instead, residents in one of the suburbs identified as doing it toughest in the territory are paying over $1,580. This is absolutely appalling given there has been no increase or return on service to match those sorts of increases. There has been nothing but extensive rate increases across the board. Is it fair and reasonable to expect Canberrans to continue to keep copping these increases on the chin? I think not. The big question to answer on the fairness aspect is what do residents, particularly those in the Tuggeranong region, see in the way of a return on service?

In a quick scan of correspondence that I have sent to Mr Rattenbury recently—or since my time of being elected—solely regarding issues of maintenance in Brindabella suburbs, whether it be graffiti, cleaning up the local park areas, footpath maintenance, shopping centre lighting or the like, I note there have been over 200 representations from my office to him alone, and that is for only one small part of this territory. Costs are going up; the service delivery is not.

The ignorance and neglect of the general amenity of Canberra, and in particular Tuggeranong, is a constant theme when I am out talking to constituents. It is the mainstay of the issues brought to my attention. I think it is appropriate at this point to put on the record an email that was sent to me about 20 minutes ago. This comes following my attendance at the Tuggeranong regional business forum this week.

Members of the committee spoke quite extensively at the meeting this week about the impact that the rates reform is having on business. There is a nice takeaway paragraph in here which says, "It is extremely disappointing that with the increase in rates the most basic services are not being maintained to a satisfactory standard, let alone seeing any significant improvement and investment in the Tuggeranong Valley. In particular, nothing is eventuating from three local group centre master plans, a short-changed Ashley Drive duplication"—the further announcement to that, again, still does not do the job completely—"and the delayed upgrade to Anketell Street. We are all concerned that our key focuses in the area, particularly the town centre, park and precinct, are being overlooked."

That comes directly from the business community themselves. They see themselves putting their hands in their pockets further and further while Mr Barr's budget deficit pays for follies like a tram that is going to service only three per cent of the population in Canberra. Yet they see no benefit, no return on service, no advantage for them, be it in their personal lives or economically in their businesses.

The Barr government is continuing to ignore the basic needs, as I have highlighted, of residents as they pursue things such as the tram folly. This is becoming increasingly evident to the voters of Tuggeranong, most of whom have made these views very clear to me. The story gets worse, though, if we take a look at commercial rates and the treatment of businesses in this town. In April this year I heard from a business owner in Fyshwick who was appalled at the increase in rates on his property. In the email that he sent to me on the issue he says:

> Re our property in Newcastle St.
>
> Between 2009 and 2013 our rates were consistently between six to seven thousand a quarter—

On an annual basis he was paying around $26,800 in that final year:

> In 2014 it went to $8324 ($33296 p/a). In 2015 it is now $9227—

per quarter, and that equates to $36,908 per annum. Add to that the additional increases in the 2015-16 budget that have occurred since this letter and it is hard to rationalise why businesses would want to own their own property. For this business alone, Mr Assistant Speaker, that is a 35 per cent rate increase between the years of 2013 and 2015 on a single parcel of land.

This business also has additional storage facilities located around the corner in Barrier Street and the rates there have increased from 2012-13, where they were $3,627, to 2015 where they are $4,633. Again, that is a 28 per cent increase. It is almost $1,200 a month in increases. For a business, that is potentially the difference between creating a new job, giving someone a go and hiring them, or simply staying the course and doing a few extra hard yards yourself simply to try and make ends meet. The impost that the Barr government's propensity—the Labor government; the Labor-Greens government—for relying on increasing fees, rates and charges, particularly coming from rate payers and businesses, is huge and clearly has a huge impact on the ACT as a whole.

I have raised in this place the issue of a family-run business based out in Hume that deals in firearms. Whilst they are a unique business and have a very niche market, their licensing costs increased near on 1,500 per cent when they went to renew this year. Coupled with the increases that they have had in rates over the previous years, on every angle this business's costs are increasing far in excess of the CPI, the wage price index, or whatever measure you wish to apply to it.

The ACT government, ACT Labor, is reaching deeper and deeper into these people's pockets, making them question, firstly, why they are in business in the ACT, why they continue to be in business in the ACT and what benefit there is for them to continue to take the risk—to risk their home, to risk their livelihood—to open their doors, to employ people, to create jobs and to create opportunities for other Canberrans in this city while they are struggling to make even a modest living for themselves. I think this gets overlooked far too often.

There seems to be an expectation that if someone is in business in this city they are wealthy. I think the truth is that in most cases people in business will see that their bills are paid, that their staff are paid and that their entitlements are paid well before they start paying themselves. While things have been tough in this city for too long, business owners have gone without to make sure that those that rely on them do not, while the government is continually rolling out an attitude of increasing fees and charges. It acts as a disincentive for these people to be enterprising and innovative and to come up with new ideas. That is the biggest travesty we have here today.

In these situations, the fee increases leave very little choice for the business but to pass these on where they can. But bear in mind that for a business that has had a 38 per cent increase in its government land charges just in the past couple of years it is unreasonable to expect a consumer to be able to face that price slug. The rate of increase in contrast with the rate of return is simply not fair. It is not fair on business and it is not fair on families, pensioners or older Australians, particularly those who are self-funded, who have done the right thing, who have tried to supplement their retirement and are not reliant on government welfare. But the cost of living in this city is going up far in excess of what they could ever have imagined. And now these people who have done the right thing and whom we should be supporting are struggling.

Proof of the legacy of this unfairness will come about soon enough when Canberra rate payers and taxpayers go to the polls in a little under a year. This will be the true measure of the methodology, the ideology, applied and, most importantly, the priorities of those opposite when it comes to servicing all of Canberra.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (4.16): I thank Mr Wall for the opportunity to talk again about tax reform in this place. The 2010 Review of Australia's Future Tax System, also known as the Henry review, found that the states and territories levied some of the worst taxes in Australia. A key finding of the Henry tax review was that there should be no role for any stamp duties, including on property, in a modern Australian tax system. The review recommended that stamp duties be abolished, with revenue replaced through a switch to more efficient taxes, such as a broad-based land tax.

The need for reform was further highlighted in the 2012 ACT taxation review, which was the first major study of our own tax system since self-government. The 2012 ACT taxation review, or the Quinlan review, showed that conveyance duty was a highly volatile source of revenue as it increases and decreases with changes in the property cycle which are very difficult to forecast.

As a result of those two reviews conducted in the past five years, which of course build upon countless tax reviews over previous decades that drew exactly the same conclusions, in the 2012-13 territory budget I announced a plan to transition the territory's tax system to a fairer, simpler and more efficient model. This involved replacing transaction taxes on conveyances and insurance premiums and cutting payroll tax—so reducing three of the worst taxes levied by state and territory

governments and replacing them in a revenue-neutral way with the most efficient and fairest form of tax available to this level of government, and that is a broad-based land tax in the form of municipal general rates.

This was, of course, the position recommended by the Henry tax review and the Quinlan tax review, and indeed by everyone who has looked at this issue of the relative efficiency of taxes in this country, probably for the past five decades but most particularly for the past three.

Mr Wall: Every one?

MR BARR: Yes, every report on this has reached the same conclusion as to which are efficient taxes and which are inefficient. The need for reform of state and territory taxes is well known. Every reputable economist in this country understands it and there have been countless inquiries, countless public forums and countless policy seminars hosted by our major media outlets. Most recently the *Australian Financial Review* and the *Australian* newspapers have again reached the same conclusion that has been reached time and time again. Treasurers around the country understand this. It would appear that the only people in Australia who do not understand the imperative of moving to a fairer, simpler and a more efficient tax system are the Canberra Liberals.

Why do we need to move to a fairer, simpler and more efficient tax system? Because stamp duties and insurance taxes are bad taxes. The ACT government has taken the lead in being the first jurisdiction in Australia to implement meaningful tax reform. There has been a lot of talk about this, over countless seminars, reviews and policy discussions, for some time, but the ACT, now joined by South Australia and, to a certain extent on some elements of reform, by New South Wales, is actually getting on with tax reform.

The government is cutting three taxes: stamp duty, insurance taxes and payroll tax, and we are replacing them by increasing gradually the most efficient form of taxation available to us. So three of the worst taxes that we levy are being cut and the most efficient tax we levy is being increased to compensate.

This government has cut stamp duty in every budget since 2012, and we will continue to do so. As stamp duty falls, it becomes less and less of a barrier to buying a home. This facilitates a fairer and better allocation of our city's housing stock. It ensures that there is churn in our housing market and that government taxes are not a barrier to people moving to more appropriate housing, whether that is downsizing after your family has grown up and left home or increasing the size of your housing as your family grows.

In the ACT, at this stage of tax reform, the buyer of a $500,000 property in this city is now saving nearly $6,000 in stamp duty compared to before tax reform started. Those who are purchasing a $750,000 home are saving nearly $8,000 in stamp duty.

Turning now to insurance duty, under the ACT government's tax reforms, duties on general and life insurance are being abolished completely. The duty on general

insurance has fallen from 10 per cent to two per cent this year and tax on general insurance will be abolished in next year's budget. So will all of the taxes on life insurance products, which have been progressively falling from five per cent to one per cent, and next year it will be zero.

Households are benefiting from the removal of hidden taxes that they probably were not aware they were paying on their building and contents insurance, on their motor vehicle insurance and on their life insurance. Businesses are benefiting from the removal of duties on their building and contents insurance, their motor vehicle insurance, their professional indemnity insurance, their public and product liability insurance and their employers' liability insurances.

For example, an average household paying around $2½ thousand a year in combined home building and contents and car insurance is saving around $200 a year at the moment and $250 a year every year into the future, and growing, as a result of these tax cuts. Insurance tax will be completely abolished from 1 July 2016. Across the border in New South Wales it sits at nine per cent. It is 10 per cent in Victoria, 11 per cent in South Australia and I understand it is even higher in Tasmania.

General rates is the mechanism that has been adopted as the revenue replacement base for the abolition of insurance duty, conveyance duty and the cuts to payroll taxes, as recommended by the tax review. Why? Because rates are simple to administer, they are easy to calculate, they are almost impossible to avoid and they are levied on an immobile resource.

Reform is occurring over a number of decades so that rates will progressively increase to compensate for reductions in stamp and insurance duties and for cuts in payroll taxes. Importantly, the government has introduced a progressive rates structure. In the 2012-13 budget we gave a quarter of all Canberra households a rates cut to ensure that those who live in lower value properties pay proportionally less than those who live in higher value properties.

It is also important to note that the government combined two bills in one in 2012-3. Previously commercial enterprises received both a land tax bill and a general rates bill. They got two separate bills; now they receive one, which reduces the time and hassle associated with taxation payments.

I would note that ACT businesses have seen payroll taxes cut to date by $24,000 a year, for those who are paying payroll tax, and with the further increase in the tax-free threshold coming next year, that saving will rise to $34,250 annually—$34,000 less in payroll tax paid.

It is acknowledged that household rates have increased. They increased before tax reform and they will continue to increase regardless of whether there is tax reform. But the rates increases are moderated and will be much less in the future because the first phase of tax reform will be complete. The government will have abolished insurance taxes and the government will have made the changes and the cuts to payroll tax that it intends to make. So future levels of rate increases will be significantly lower. Those opposite will continue to peddle fictions about rates, but they are not good fictions. *(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) (4.26): I am pleased to be able to speak about the impacts of rates on the Canberra community. Firstly, I would like to remind members of the importance of rates to the ACT economy. Being a jurisdiction that has very little primary industry, does not have much in the way of resources for forestry or mining and has little history in manufacturing, we are generally a city that needs to balance our budget by using our land wisely and creating wealth through our knowledge industries.

I would like to apologise for the small history lesson, but I think it is good to keep things in perspective. Our city was founded completely through the commonwealth government, as a capital city, primarily to run the federal government, and all of our service industries evolved from this starting point. Our city was built by the National Capital Development Commission and its other variously named predecessors, largely in the second half of the last century, and was generally thought to be fairly gold-plated, by national standards. In 1989 the federal government handed to the ACT self-government, without a large maintenance budget to keep us going at the same standard.

As a result we live in a beautifully planned city, with wide roads and median strips, nature strips with street trees, open spaces and nature reserves, and of course with two-thirds of the ACT being protected in national park and nature reserves. We have fully protected and clean water catchments, we are abundant in playgrounds, sportsgrounds, community paths and community amenities. But a lot of these amenities are ageing, and the cost pressures of their maintenance are quite large. We also have world-class health, education, policing, emergency and community services. But these things do not come for free. I think that, generally, residents of the ACT are very aware of that and are generally happy to pay the rates we do, because we can see what we get for our money.

It is worth reflecting on the changes to the taxes and rates systems, as that is clearly a part of today's discussion. Since July 2012 we have been following the advice of the Henry tax review, and have been transitioning to a new, more progressive taxation system, one that increases rates while decreasing stamp duties and insurance duties.

One of the interesting things to note—and the Chief Minister has touched on this in his remarks—is that people do not see the reduction in their insurance bills, as those bills are not usually itemised, so people cannot see that over the past four years the ACT government duty has reduced from 10 per cent to two per cent this year, and by July next year there will be no insurance duties at all. As the Chief Minister noted, this means that for an average house that pays around $2½ thousand a year in house, contents and car insurance bills, they are saving about $250 each year on their insurance bills.

The other reduction is on stamp duty—and I have heard many people say that this does not affect them. But this is a substantial impost on people who are purchasing a house and, given that people on average move house every seven years, it means that even if it does not benefit you directly, someone in your family will be benefiting

from not having to pay $10,000, $12,000, $15,000 or $20,000 in stamp duty in that period. You could do some back-of-the-envelope maths and say that if you move every seven years and your stamp duty is $15,000, there is more than $2,000 a year in savings just there. That is a very rough, back-of-the-envelope way to do things, but it puts in perspective the scale of the savings.

This is a progressive move because it also helps people who want to downsize or, for that matter, upsize as they go through the various stages of their lives and it helps to make sure that people are living in the type and size of house that suits them and their family at the time. Having a significant impost like stamp duty does discourage people from moving, because it is a dead cost; it is lost money. Removing that definitely improves the options for people moving around.

We must of course balance these reductions in revenue from these duties. The government is therefore increasing rates accordingly. It is important to underline the fact that these taxation changes are revenue neutral to the government. Despite people noticing that their rates are going up, due to the other decreases the government is not actually getting any additional funds to help run our magnificent city.

It must also be noted that there are rates concessions for pensioners, which have been boosted to help eligible people adapt to the rates increases. It is also worth drawing to members' attention, because it is often forgotten in the way that this topic can be debated, that pensioners can also defer their rates so that any rates owing to the government are paid only when the estate is disbursed.

Queanbeyan City Council, as members no doubt will have heard in the media in recent days, is increasing their rates quite substantially without decreasing any other charges on residents. I think that again puts the ACT government's approach in a clear position.

MR SMYTH: To do something with it, to rebuild the infrastructure.

MR RATTENBURY: Mr Smyth interjects and says, "To rebuild infrastructure." What does he think the ACT government is doing? Every day of the week we are out there replacing footpaths, we are fixing roads and we are keeping our 700,000 urban trees in good shape. The ACT government is replacing ageing infrastructure every single day.

Mr Smyth interjecting—

MR ASSISTANT SPEAKER (Dr Bourke): Mr Smyth, you have been repeatedly interjecting this afternoon. In the MPI discussion I am sure you will have your turn to speak. If you could hold off until then I am sure we would all appreciate it.

MR RATTENBURY: Looking at other New South Wales councils, it is interesting to see what some of them have done over the past few years, as they too have grappled with the additional costs of running a municipality. Quite a few councils have decided to take the question to their residents and essentially ask them whether they would like to have reduced services with the same level of rates or whether they would rather have their rates increased to cover a high level of services.

Lake Macquarie City Council in 2011 proposed an increase in rates and residents supported a significant increase to help fund public and community services. Lake Macquarie was also in a situation where they had annual shortfalls due to increased costs and deteriorating infrastructure. As part of a six-month consultation period on the proposed rate increases, the council developed three different funding options for the public to choose from. More than 3,000 residents took part in the council survey, with 72 per cent of constituents throwing their support behind a rate increase. Of those in favour of the increase, 50 per cent supported increasing rates to better aid in maintaining and expanding currently available public services.

Councils who do this consultation work have been finding that residents do not want to see their services cut or assets sold off. They would rather have rates increases in order to be able to maintain and expand amenities and services. Newcastle City Council has done a similar piece of work. They had to address the challenge of balancing community expectations with future financial sustainability. They went through an education and consultation process, allowing residents to comment on rates options—no rates increases or various levels of increase—and through a large-scale consultation process there was widespread support for a continued increase of about 6½ to 6.8 per cent per year.

I draw on these examples to illustrate a point. We see the opposition running these scare campaigns about rate increases in the ACT, but theoretical surveys, and now actual surveys done by these councils, are demonstrating that communities want good services and they are prepared to pay for them. I think people in the ACT understand that we have a very high level of services in this town and most people are willing to be realistic about that and expect to make their contribution.

We need to be mindful of making sure that we strive to get a high level of affordability, to be progressive, to make sure that those in our community who struggle to pay have options, and that we put concessions in place. At the same time we want to have good services in this city, and we do have good services in this city. We also need to be prepared to pay for them, and that is why rates are an important part of funding the ACT government's operations.

In the context of today's topic, it is well worth making the point that you get what you pay for and that having a reasonable level of rates is important to enable the government to provide a good level of services.

MR SMYTH (Brindabella) (4.35): I will begin where Mr Rattenbury finished. Yes, you do get what you pay for—and the people of the ACT pay more and more, but unfortunately for them they seem to get less and less. Mr Rattenbury gave the example of the Lake Macquarie council surveying members of their jurisdiction. But ACT people were not surveyed about changes to the rates system; the changes were foisted on them. We were told that it would be revenue neutral, but I note that the Centre for International Economics, in the budget analysis that they did to support the estimates committee, said that rate increases are outpacing stamp duty cuts. So it is interesting that we were told that it would be revenue neutral, but apparently it is not.

We were told that we would see the phasing out of stamp duty and yet we had the contorted ballet of the Chief Minister in estimates this year. In about three hours he had three different positions on whether or not stamp duty was going: "Stamp duty is going"; "Stamp duty is going but I can't tell you when it's going"; and "Stamp duty probably should go, but if stamp duty doesn't go then we will have the lowest rate of stamp duty application in the country." So which is it?

We have seen rates go up on average something like 45 per cent. In some areas they have gone up 60 per cent. We have seen enormous hikes in commercial rates. Mr Barr says, "You can't tax land; it can't move." But the tenants can move, and the tenants go across the border to Queanbeyan.

I have got one example of a modestly sized unit in Fyshwick where the rates have gone up 48 per cent. The government's expectation is that those businesses will just pay that. Then there is the extraordinary example of the Manuka newsagency where rates went from basically $70,000 to $100,000 in the space of a year. Is that fair, M Rattenbury? Do you really believe that that is fair and equitable and explainable for any one? The answer is, no, it is not. This use of the word "progressive" is just a cover for higher taxation.

Now we hear from the Chief Minister and Treasurer that of course the increases will be moderated over the coming years. That may have something to do with the fact that, as the Leader of the Opposition pointed out earlier today, next year is an election year. The Chief Minister and Treasurer predicted that rate increases would suddenly slow. That was just to allay people's fears. "There's nothing wrong here. Look somewhere else so you will not see it."

But have no doubt: to achieve what the Treasurer and Chief Minister, the Labor Party and the Greens want to achieve, rates must triple. The simple maths is, if you take the taxes that they propose to get rid of and distribute them into rates, rates must triple—and according to the Quinlan review it is about 11 years.

We can already see that we are well and truly on our way to that tripling. You only need to look at some of the areas like Yarralumla, Campbell, Red Hill and Aranda, where rates are up at least 62 per cent. In Red Hill the average rates are up 64 per cent. In Aranda they are up 62 per cent. On average, rates are up 42 per cent across the city over the four years of this reform, and we are to believe that that is a good thing.

There was a carrot offered, but the carrot has now proved to be just a mirage, because they are not getting rid of conveyancing. There was an article recently in the *Canberra Times,* as a sop, that simply said that what we are seeing more and more is that the tax reform is just a cover for tax increases. Indeed I quote from Mikayla Novak in the *Canberra Times* on 27 July this year:

> Budget papers show the government is banking on revenue from general rates and land tax in the order of $670 million in 2018-19, more than double the level of revenue raised from those imposts in 2011-12.

There is some market growth—we all understand that—but that does not account for a doubling in the take of general rates and land tax. In response to what Mr Barr said about it being effective, what it may be effective in is driving a business to move across the border. The article also stated:

> Efficiency in tax design is construed to be synonymous with the inescapability of a taxpayer meeting their payment obligation, but this would merely give rise to the "fiscal trap" of gradually increasing liabilities especially if a broad-based land tax is not indexed for asset price inflation.
>
> There is also the threat that imposing higher rates of effective tax on land, and applied to a broad base, will simply reduce the relative attractiveness of investment in land in Canberra, compared with other asset classes.
>
> Alternatively, investors would be encouraged to invest more across the border, in Queanbeyan or greenfield sites such as Tralee, in the face of uncompetitive ACT tax levels in the longer term.

The report goes on to say:

> … it is not necessarily so that owners of the most valuable land always have the greater capacity to pay tax. For example, commercial properties may be owned by trusts and superannuation funds on behalf of small investors and fund members, the latter not necessarily wealthy themselves.

It goes on to say:

> The latest federal tax discussion paper noted levying land tax at progressive rates on total landholdings "introduces a bias against large investments in residential property and discourages institutional investors from investing in private rental housing", with consequently adverse effects for those on lower incomes.
>
> Given landholding is not an accurate reflection of the ability to pay, moving toward a proportional rate tax structure instead would represent a much better outcome on both efficiency and simplicity grounds.

It finishes with:

> The sober reality is that tax reform in Canberra and elsewhere will turn out to be more like an unmitigated tax grab in coming years, with home owners and commercial property holders paying a heavy price.

I will repeat the conclusion from the article:

> The sober reality is that tax reform in Canberra and elsewhere will turn out to be more like an unmitigated tax grab in coming years, with homeowners and commercial property holders paying a heavy price.

We are already seeing that. We are already seeing that the Treasurer and Chief Minister has backed away from getting rid of conveyancing. He refuses to tell us where and when and how that will go. He refuses in his 20-year tax plan to tell us

what he will do. He is now saying that, instead of abolishing, we are aiming for the lowest rate. But he is caught in his own trap. He is caught in the trap of this government that spends continually without ensuring effective spending for the people of the ACT. The government are embarking upon enormous expense on capital metro, without any clear indication of how they can pay for it. But they do know that they continue to squeeze the ordinary landholder in the ACT—and that is the shame of this government.

I thank Mr Wall for bringing on this MPI today. The impacts of rate increases in the Canberra community are enormous. If you are a pensioner, increases eat into your disposable income, because you have got to pay bills. We hear that you can defer them—aka a death tax, because that is what it is; the money will just come out of the estate. But you are expected to pay your government rates, all at a time when you do not get anything extra in terms of service delivery. You are not getting anything extra in terms of good outcomes. You have got a profligate government that simply spends.

We heard from Mr Rattenbury, whose opening statement was, "Use the land wisely." But the land is not being used wisely, Mr Rattenbury. The land is simply being used as a balancing item in the budget of a government that cannot control its spending. One of the bureaucrats told me he thought there was 12 to 15 years worth of land supply left in the ACT at current use. With 12 to 15 years worth of land supply, what will we do when the land has gone? How will you balance your budgets then? How will you build a future for the people who come after us when you have squandered the assets that we currently have and at the same time you have set up a tax system that just taxes and taxes and taxes?

It is unfortunate that we are in this situation. The government is feeling the pressure and we are hearing the language now. Mr Barr is saying that the increases will be moderated. Isn't funny that that coincides with an election year? They are going to moderate the increases as of next year. There will be one year of moderation and if they manage to get re-elected that moderation will disappear again—to fund their capital metro and other follies. Instead of having a clear vision—*(Time expired.)*

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) (4.45): I am grateful for the opportunity to speak on this important MPI today. The government is continuing to deliver on its commitment to remove inefficient taxes, and it is becoming the first Australian state or territory to abolish tax on insurance policies as well. We are continuing to remove those inefficient taxes, like stamp duty, with Canberrans saving thousands on unfair stamp duty taxes when purchasing a house in the ACT. The government has cut stamp duty in every budget since 2012 and remains committed to further cutting the tax over the coming years.

When we look at our rates and taxes system, it is probably worth while advising Canberrans where their rates and taxes go in the territory. Thirty-one per cent of our rates and taxes go on health, 24 per cent on education, 10 per cent on justice and safety, six per cent on disability and community services, six per cent also on territory and municipal services, five per cent on delivering government services, five per cent

on environmental services, four per cent on housing, three per cent on planning and regulation, three per cent on public transport, two per cent on events, and one per cent on sport and recreation—all spent here in the territory. So all of the money that Territorians pay in their rates and taxes is spent on them, here in the territory.

Contrary to the slogans we hear from the opposition about the government raiding rates and taxes, we spend them all on Territorians here in Canberra. So it is important that we move away from the three-word slogans that we have heard from the opposition, and that we provide the truth to Canberrans about where their rates and taxes go.

It is important that we continue to move on in removing inefficient taxes and providing incentives to people, for example by enabling those who want to move house to pay less in stamp duty. We have done that especially with people who want to age in place, to stay in the areas where they have grown up but to move to smaller accommodation, by providing an incentive of lower stamp duty, or no stamp duty in some cases, for older Canberrans who are moving to downsize. That allows them the ability to age in place.

There are other incentives too that we offer, but I think the key message here is that we are moving away from inefficient taxes, to give people across the territory the incentive to age in place, as well as other incentives, and of course to be upfront—*(Time expired.)*

Discussion concluded

Health (Patient Privacy) Amendment Bill 2015

Debate resumed.

MR RATTENBURY (4.49) in reply: I rise to close the debate on the in-principle stage and I thank members for their contribution to the discussion today. The bill before us is in many ways very simple. It seeks to provide a zone around abortion services premises in Canberra whereby a woman may enter unimpeded. It seeks to create a right of entry to safe, legal and medically supervised treatment without being confronted, harassed or intimidated.

Beyond this very clear and simple issue are arguments about freedom of expression and human rights and religious views. I will talk to the first two issues but will not seek to impose my views on religion on the Assembly, just as I have asked others to respect the personal views of others in the public space.

As I said, this is, on face value, a very simple bill but, with many complex and fine moving parts, it has required a lot of critical thinking to find the right balance. One of the interesting themes amongst some submissions is a call for a more standardised and simple approach to the protected area and times, by requesting a standard 50-metre bubble around the building. There are some others who, while being supportive overall of the intent of the bill, believe that it goes too far in proscribing limits on prohibited behaviour. It is my considered opinion that this final bill finds the line between these views.

As set out in the explanatory statement, the bill seeks to be the least restrictive possible to achieve the desired outcome. By originally setting out a disallowable instrument approach the ACT Greens were focused on ensuring that the minister's declaration of an area must be in direct relation to the site of the current and any future facility.

However I will be supporting the amendment to my bill circulated by Mr Corbell, based on what I understand is advice from the Health Directorate regarding ease of communication and enforcement of the zones. While I still believe that the tabled bill represents the more nuanced approach I am comfortable that the implementation will be the responsibility of the Health Directorate and that their input is therefore important and welcome.

I believe that the amendment circulated by Mr Hanson would make the legislation highly subjective, in that anyone seeking to enforce the legislation would be required to assess the impact of the protest on an individual and make a determination on that protest's effect of harassment or intimidation on an individual. This contrasts with the approach I have taken, which is to create a simple and clear model which is highly limited and very specific in its application.

Let us be clear about the intention of those who are protesting. For many years there has been a small but dedicated group of people who have gathered out the front of the ACT's abortion clinic to express their opposition to and judgement and views on the matter. While this is certainly not as serious as the ugly protests we are witnessing in Victoria and New South Wales, the group are clearly seeking to deter, if not actually stop, a woman having the procedure. Placards, pamphlets, and signs have been seen over the years and are clearly designed to impact on a woman's choice.

I expected that Mr Hanson—and he did go there today—would touch on my previous roles outside the Assembly as an example of the importance of public protests. And certainly I have been well known to take part in a few. In short, my response to this is equally simple: I have never sought to stop people accessing medical treatment. I cannot think of any other examples of issues that have been raised with me on this matter that occur in any other health domain. While I respect an individual's right to hold strong views on the matter of reproductive rights and choices I cannot believe that we would countenance this kind of behaviour relating to any other procedure—not one. And nor should we for this treatment.

It is also worth reflecting on the fact that there are other restrictions on protesting. Right across this city there are limits on one's ability to protest. If we think of Parliament House: you are not allowed on the roof of Parliament House. You are not allowed on the forecourt. You are required, if you want to stage a protest—and you are free to do so—to go to the area of Federation Mall to stage your protest.

We can think of other examples around the city of places where regulations constrain particularly where one can protest and sometimes how that protest can be undertaken. This is no different from that. This is not saying that you cannot protest this issue if you have a strong view. It is simply saying that there are limits on how, where and

when you can undertake those protests. I have gone to great lengths to stress that this is a very constrained area. It is at certain times of day only. Frankly you can protest—subject to all those other regulations—just about anywhere else you like.

I have a very strong view that it is inappropriate to target individuals who are accessing a service. If you have a disagreement with the policy on this, come and protest outside the Assembly, protest in Garema Place, where plenty of protests take place. There is a whole range of options. But it is quite clear that, in their current form and their current construct, these protests are about demeaning individuals. That is what this legislation is seeking to prevent.

Here in the ACT we, quite proudly, live in a human rights jurisdiction and this bill does, indeed, impact on the right to freedom of expression set out in section 16 of the Human Rights Act and related rights such as freedom of religion and freedom of peaceful assembly. But, as our own Human Rights Commission have stated in their submission to the exposure draft of this bill, they:

> … commend the bill for recognising and seeking to remove some of the practical barriers women face in exercising their right to lawful reproductive services. In our view, the bill will assist to protect the ability of women to exercise autonomy and freely make important decisions without undue influence or coercion. It is well established that safe and accessible reproductive health services are an essential component of protecting and promoting women's human rights.

Their submission also noted:

> The Human Rights Act, however, recognises that few rights are absolute and in accordance with established international human rights norms, reasonable limits may be placed on the right to freedom of expression (and related rights) with the aim of balancing competing interests.

This bill does that. It carefully balances competing interests.

Since releasing the exposure draft and then having tabled the final bill in September, I have been grateful for the level of conversation this issue has raised. The vast majority of submissions and emails my office has received have been either supportive or positive, with genuine questions or suggestions to improve the bill. As I mentioned in the tabling speech in September, I have tried, where possible and practicable, to consider these suggestions. I pass on my thanks to the Parliamentary Counsel's Office for their professional input into this final bill, as we work through those details.

I am sure that most members of the Assembly have been approached by both sides of the debate since I first put this issue on the agenda and released an exposure draft in August this year and subsequently when I tabled this bill in the last sitting. I am pleased that each member of the Assembly has been canvassed and has been able to consider the merits of the bill before us and has taken a moment to reflect on the specifics of what we are debating here today, which is, first and foremost, about access to medical treatment. I had some good discussions with members right across this place, and I appreciate that those discussions have been thoughtful and considered.

As I have previously said, the suggestion from some that women seeking this service should use a more discreet entrance is, to my mind, quite repugnant. It says that women should be able to access these services but should be shamed into entering the back door. That is not the modern, progressive Canberra that we are so rightly proud of but rather that is language of cowardice and judgement that belongs to another time and certainly in another place.

I thank members for their contribution to the debate and I thank members for their support. I welcome the fact that as an Assembly we are today going to vote in support of this measure to provide a degree of privacy, decency and respect for people who are simply seeking a medical service.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (4.58): I seek leave to move an amendment circulated in my name which was not circulated according to standing order 178A.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name *[See schedule 1 at page 3944]*. I table a supplementary explanatory statement to the government amendments.

This amendment, my amendment No 1, deals with the commencement date for this legislation. I am proposing that the commencement date be no greater than six months after the passage of this bill. The reason for that is that there is a requirement for the Health Directorate to finalise the arrangements for the implementation of this bill on the operation of the exclusion zone.

There will also be a need to have final confirmation achieved in relation to the administration of penalty units that would otherwise have to be issued to individuals should they breach the provisions relating to the exclusion zone. There will also be a need for a clear communications and implementation strategy. It is not my intention to delay commencement of this legislation any later than is necessary but simply to make sure that when it is operational it is able to be implemented effectively.

The government amendment provides the time to finalise that work and provides that the minister may commence the legislation at any time, provided that it is no later than six months after passage of this bill today.

MR RATTENBURY (Molonglo) (5.00): I will be supporting Mr Corbell's amendment, for the reasons he has just explained. I think it is quite a sensible and practical amendment and I am comfortable with his commitment to deliver it in a timely manner.

MR HANSON (Molonglo—Leader of the Opposition) (5.00): This is wrapped up in other elements in the bill but I think the indication perhaps that this is going to take a period of time to sort out makes up part of the concern that the opposition has concerning the actual operation of this bill. In particular if the amendment does not get up, as I think we understand my amendment will not, there are some complications in terms of the execution of this bill. But we will not be opposing it.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5.

MR HANSON (Molonglo—Leader of the Opposition) (5.02): I move amendment No 1 circulated in my name *[See schedule 2 at page 3944]*. I spoke to the substance of this in the in-principle stage but just to clarify: what this would, in essence, do is remove the element of the bill that is a protest by any means. The bill would retain the elements I think that we would agree on, which are the obstruction of people, intimidation, blocking people and so on. It is, as I said, that matter of balance. I have discussed this in some detail. I understand it does not have support of the Assembly, but nonetheless.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.03): The Labor members of the government will not be supporting this amendment from Mr Hanson. His amendment proposes to remove part 85(1)(c) that outlines the types of prohibited behaviour that are not allowed in the proposed exclusion zone area. The provision is at part (c) which refers to "protests by any means in the protected area in relation to the provision of abortions in the approved medical facility".

It is the case that other parts of that section are retained should Mr Hanson's amendment be successful, and those other parts of the bill deal with other forms of prohibited behaviour, which is the actual harassment, hindering, intimidation, interference, threatening, obstructing of a person seeking legal termination services. But, of course, what Mr Hanson's amendment effectively does is continue to sanction the conduct that currently occurs and which is currently the source of much concern to women who are accessing legal pregnancy termination services. The presence of that gathering that we know occurs outside the clinic is a presence that, by its very fact of being there, is a cause of distress, shame and embarrassment for women who are seeking legal, safe pregnancy termination services.

So the effect of Mr Hanson's amendment, whilst it might be characterised as a balanced approach, is in fact to maintain the status quo. That is the effect of the amendment. It completely undermines the capacity for the bill to do what it is intended to do, which is to say that protests about abortion should not be directed at women accessing an abortion but should be directed here at law makers or staged in other places. That is the intent of the bill. Mr Hanson's amendment completely guts that capacity from the bill and for that reason Labor government members cannot support the amendment.

MR RATTENBURY (Molonglo) (5.06): As I indicated in my earlier remarks, I will not be supporting this amendment either. Minister Corbell has just articulated very well the effect of this amendment. As I said earlier, it also opens up an entirely subjective area and really does defeat the intent of the way that I have sought to construct this bill.

Amendment negatived.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.06): I seek leave to move an amendment circulated in my name which was not circulated according to standing order 178A.

Leave granted.

MR CORBELL: I move amendment No 2 circulated in my name *[See schedule 1 at page 3944]*. This amendment to clause 5 of the bill is to insert a new section 86(2)(aa) to clarify that the minimum distance that can be declared by the minister for a protected area around an approved medical facility is not less than 50 metres. This amendment provides a minimum baseline for the setting of the protected area, which will be enshrined in legislation. However, the protected area can still be increased beyond this minimum prescribed area by a disallowable instrument as provided for in the bill.

The amendment ensures that the exclusion zone cannot be reduced below 50 metres by disallowable instrument. In particular, it prevents inappropriate determinations by a minister at some point in the future who may seek to undermine the intent of the bill by prescribing an exclusion zone area of such minimal distance as to make the bill ineffective.

Therefore the government is proposing this amendment to provide that safeguard and surety and the proposal to include a prescribed minimum distance has also been the subject of the advice of the Human Rights Commission, who again has provided advice as to the proportionate impact that such an amendment would have. I commend the amendment to the Assembly.

MR HANSON (Molonglo—Leader of the Opposition) (5.09): This element is a disallowable instrument. I am not sure that this element of the bill is actually necessary. The reality is that it is going to be set by the minister. It is a disallowable instrument. That distance that is set is still subject to essentially the discretion of the Assembly. I am not sure it is necessary.

Amendment agreed to.

Clause 5, as amended, agreed to.

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

Bill, as amended, agreed to.

Administration and Procedure—Standing Committee
Report 7

MRS DUNNE: I present the following report:

> Administration and Procedure—Standing Committee—Report 7—*Inquiry into the Review of the Implementation of the Latimer House Principles in the Australian Capital Territory for the 8th Assembly*, dated 27 October 2015, together with a copy of the extracts of the relevant minutes of proceedings.

DR BOURKE (Ginninderra) (5.10): I move:

> That the report be noted.

I thank my fellow members of this committee—the presiding member, Mrs Dunne; Mr Rattenbury; and Mr Smyth—the committee secretary, Mr Duncan; and the assistant secretary, Ms Rafferty.

The first review of the implementation of the Latimer House principles in our Assembly was done in 2011. The second review, by Bill Burmester, Mark Evans, Meredith Edwards and Richard Reid, of the Institute for Governance and Policy Analysis at the University of Canberra, was released in 2015. The review's 10 recommendations generally reflect the overall health of democracy in our Assembly and jurisdiction, but, as always, there is more that we can do.

Today we have tabled the administration and procedure standing committee's inquiry report in response to the Latimer House principles review. We had submissions from the Chief Minister, the Auditor-General, the Human Rights Commission and the Chief Justice. We held hearings with the report authors. We noted that the distinction between the roles of the Legislative Assembly and the ACT government in some of their recommendations was unclear.

Our three recommendations were that the Assembly re-affirm our commitment to the Latimer House principles on the three branches of government; that all areas of government continue to adhere to and monitor the principles in all their activities; and that, in future reviews of the Latimer House principles and the governance of the ACT, consideration be given to engaging eminent constitutional law experts for the review scheduled for the ninth Assembly.

I commend the report to the Assembly.

MR SMYTH (Brindabella) (5.12): Dr Bourke has given a reasonable summary there. There are three recommendations. Latimer House is certainly something the Assembly has committed to. There are some 10 recommendations from the review itself. A number of them talk about additional resources to make sure that this happens. Some talk about a review. Some talk about protocols for all the parties; they suggest that perhaps more legislation should go to committees, for instance. The committee has come up with three recommendations, and I commend the report to the Assembly.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Report 5

MR DOSZPOT (Molonglo) (5.13): I present the following report:

> Justice and Community Safety—Standing Committee—Report 5—*Inquiry into the Human Rights Amendment Bill 2015,* dated 27 October 2015, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Today I rise to speak to the motion that the Assembly take note of the report by the Standing Committee on Justice and Community Safety on the Human Rights Amendment Bill 2015. This has been an important and challenging inquiry. Human rights are a part of our legal framework, and the Assembly must be well informed when there are proposals for change.

As the report states, in the course of the inquiry the committee came to the view that extensions to rights proposed in the bill—Indigenous rights, the right to education, and children's rights—were measures which would extend rights in useful ways.

In particular, the committee noted the representations regarding Indigenous rights. Indigenous representatives made powerful statements to the committee on the significance of changing the Human Rights Act to create explicit rights in this area. Representations from Victoria added to this, showing what had happened in Victoria when Indigenous cultural rights were created by the Charter of Human Rights and Responsibilities. This helped the committee to assess risks and benefits in creating such rights in the ACT.

On the basis of representations made to the committee, and as a result of its deliberations, the committee recommended that all of the clauses in the bill be supported by the Assembly.

However, less pleasing was the fact that the committee found significant gaps in the information provided on the bill. These were deficiencies of both quality and quantity

which made it more difficult for the committee and the Assembly to deliberate on the bill. Members will note that one of the committee's recommendations focuses on this as an issue, recommending that proposers of bills prepare comprehensive, well-reasoned and evidenced explanatory statements. This is consistent with the findings of the scrutiny committee, which, in a number of its reports, has found explanatory statements wanting in terms of both legal argument and evidence.

The present committee's report makes the point that the Assembly relies on the information provided to it in explanatory statements to help it deliberate on bills. Even if further information is sought and provided, it fulfils a requirement of due diligence that the explanatory statement should take all reasonable steps to present an accurate and balanced account of the bill in question. Obviously, the ability of the Assembly to deliberate on bills on the basis of good quality information presented in the explanatory statements is an important aspect of our system of government. In light of this, I ask the members of the Assembly, ministers in particular, to ensure that this recommendation meets with an appropriate and constructive response.

I would like to thank the committee secretary, Dr Brian Lloyd, for his usual thorough, professional and patient approach to the task of providing support to the committee. I thank the members of the committee, Dr Bourke, Mrs Jones and Ms Porter, for their contribution. Also, thanks to all the witnesses and submitters for their contributions over the course of the inquiry. I commend the report to the Assembly.

DR BOURKE (Ginninderra) (5.17): I very much welcome the committee's recommendation that the ACT investigate and consider the introduction of legislation similar to Victoria's Traditional Owner Settlement Act 2010. Whilst the recognition of native title since Mabo has been a positive development for Aboriginal and Torres Strait Islander Australians, it is not enough to do justice to the connection to land of many traditional owners around the country. The value of traditional owner settlement legislation is that claimants can get solid outcomes without having to climb the legal mountain of establishing native title.

Mick Dodson has noted the irony that those most dispossessed by colonisation are the least likely to meet the continuous connection test for native title recognition. Instead, traditional owner settlement legislation is up to the initiative of clans and the negotiating government to secure a settlement that works best for them. It is heartening to see bipartisan support for the Victorian legislation from each of the Brumby, Napthine and Andrews governments. Indeed, the landmark settlement of the Dja Dja Wurrung people's claims in 2013 showed the willingness of then Premier Napthine's government to engage enthusiastically with the process.

Traditional owner settlement legislation in the ACT could provide a valuable third way of recognising the connection to land of traditional owners in the territory, and in doing so make a strong contribution to advancing reconciliation. I commend the report to the Assembly.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 16

MR SMYTH (Brindabella) (5.19): I present the following report:

> Public Accounts—Standing Committee—Report 16—Review of Auditor-General's Report No. 4 of 2013: *National Partnership Agreement on Homelessness,* dated October 2015, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

This was a very important audit from the Auditor-General on some of the programs in the national partnership agreement on homelessness. I thank my colleagues for their work on this report—Ms Porter, Mr Lawder and Ms Fitzharris. Ms Berry was there for a bit of it, as was Dr Bourke. The report was delivered in their time, though the work did not get done until after they had gone. But they certainly were there when it arrived. I particularly offer thanks to the secretariat—to Dr Andrea Cullen; Dr Brian Lloyd, who assisted; Ms Kate Harkins; and Mr Greg Hall—for their assistance in putting together this report.

I do not think there is anyone in this place who doubts the importance of having a roof over your head. The social determinants of health talk about the key factors of having a job and having a home. For those that cannot afford a home and then cannot afford to rent, the spectre of homelessness must be a dreadful way to spend a single day, let alone any period longer than that.

The committee has deliberated. We have come up with 10 recommendations. Let me go to some of the key recommendations. Rec 1 is:

> The Committee recommends that the ACT Government should design and implement a homelessness framework which provides for:
>
> - evidence-based design and development of indicators;
> - consistent standards in measuring against those indicators;
> - their use among government and non-government agencies engaged in delivering programs;
> - the integration of these indicators from program inception; and
> - measurement against these indicators from the time of program rollout.

One of the later recommendations talks about not changing the way you measure things later on. It is recommendation 2; it says do not change the parameters part way. Recommendation 3 recommends:

> … that the ACT Government model for, and require of, its third party program providers:
>
> - a consistent and meaningful practice of acquittal for program funds; and
>
> - consistent use of written contracts to support all contracting and sub-contracting under programs in receipt of public monies.

They are public moneys, and it is important that we find out not just that they have been expended, but that they have been expended wisely and they have actually achieved what it was agreed they would deliver.

Recommendation 4 says:

> … the ACT Government, in its role as contract manager, enforce service funding agreements more closely to ensure timely and responsive reporting and acquittal from other parties, or if overtime, ensure reasons and discussions on next steps are clearly documented.

The other is recommendation 7:

> The Committee recommends that the ACT Government focus on establishing consistent, streamlined processes to report on actual expenditure and budget and ensure that reporting to the Commonwealth is consistent with that.

I will leave members to peruse the full set of recommendations.

One of the bonuses for us on the committee was the arrival of my colleague Ms Lawder, with her knowledge and her expertise in the field of homelessness. She certainly knew more about the issue than any of the rest of us, perhaps even more than the rest of us collectively who were sitting on the questioning side of the committee. Ms Lawder's arrival was appreciated by all, and her passion for the issue of homelessness is recognised by all.

I refer the report to the Assembly.

MS LAWDER (Brindabella) (5.22): It was my pleasure to be part of this public accounts committee review of Auditor-General's report No 4 of 2013 on the national partnership agreement on homelessness. The committee focused on measuring the success or effectiveness of policies and programs targeting homelessness; progress on the implementation of audit report recommendations as agreed by the government; and any other relevant matter. In doing so, they were very mindful of the findings in the Auditor-General's report, which included that several targets had not only been met, but exceeded. That is a very positive thing. The Auditor-General's report went on to say:

> The Community Services Directorate however, needs to make improvements with respect to its processes for managing National Partnership Agreement funds, identifying and reporting against performance indicators for the A Place to Call Home Program and the Housing and Support Initiative, and managing service providers.

We have seen in the government's response to this inquiry the progress they are making against those Auditor-General's points.

Where we appear to fall down is on the flip side of homelessness, which is the provision of affordable housing. The Auditor-General report said:

> Accordingly, it is not possible to determine the actual overall effect of the programs on rates of homelessness in the ACT community. Furthermore, homelessness in the ACT is influenced by a range of factors including, for example, housing affordability. People are likely to remain in homelessness programs and initiatives longer if housing affordability is a problem.

We have talked about this many times in this place. We have heard even the previous Chief Minister Mr Stanhope talk about his greatest regret as Chief Minister being the lack of action or progress on the affordable housing action plan. I do not think that much has changed in that regard.

According to the last available census, 2011, the ACT had the second worst rate of homelessness in Australia. For a very small jurisdiction, largely urban, this is quite concerning. It is more than quite concerning; it is alarming. We need to do better. The ACT, I acknowledge, and I have acknowledged many times in this place, does well in servicing people when they are experiencing homelessness. We have a good rate of service provision for people experiencing homelessness.

But the point remains, from the Auditor-General's report and evidence we heard during the course of the public accounts committee inquiry, that there is a lack of exits from homelessness into housing. We need safe, secure, affordable and appropriate housing—a range of different sizes of housing in terms of numbers of bedrooms and the style of housing, not just the location and the price, although they are very important.

As the committee concluded, the right to safe and adequate housing or shelter is everyone's business. It is about the measure of a society and the actions of the key entities that comprise it—governments, business, citizens and the community as a whole.

This audit has been important in examining the implementation of selected programs and initiatives under the national partnership agreement on homelessness. The committee made 10 recommendations, which include some further investigations, such as on the impact that the national partnership agreement on homelessness has had on the reduction in the number of rough sleepers in the ACT. We have seen some good measures in that regard recently—for example, Common Ground at Gungahlin. But we need to quantify what the reduction in the rate of rough sleeping is. It was one of the headline goals of The Road Home, the white paper on reducing homelessness. As well, there were some interim goals for 2013 and 2014, not just the headline goals. We need to see how we are tracking against those things. Without measurable, quantifiable data, it is very difficult to establish our progress. Those are some of the points that the Auditor-General made.

A number of community organisations appeared before the committee, and I would like to express my appreciation to them, to the secretariat—Dr Andrea Cullen, Dr Brian Lloyd, Ms Kate Harkins and Mr Greg Hall—and to my fellow committee members who assisted or participated in this inquiry, including Mr Smyth, who provided very able chairmanship, Ms Porter and, more recently, from February 2015, Ms Fitzharris.

Homelessness, as we have said here, is everyone's business. It is not just the government's responsibility to fix homelessness, but the government certainly has a large role to play. They are doing a number of good initiatives in this space, but we really need to renew the focus on it.

I commend the public accounts committee report on the Auditor-General's report on the national partnership agreement on homelessness and hope that the government will seriously look at the recommendations that the committee has made.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 17

MR SMYTH (Brindabella) (5.28): I present the following report:

> Public Accounts—Standing Committee—Report 17—Review of Auditor-General's Report No. 8 of 2013: *Management of Funding for Community Services,* dated October 2015, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

It is important that we get the management of funding for community services right. I would like to start by saying that although the title says "community services", it is perhaps better expressed as "services for the community". Some who read the Auditor-General's report might have thought this was about the Community Services Directorate but it is in fact quite a broad-ranging inquiry that looks at some agencies in Chief Minister's and bits and pieces that they do there.

The committee has come up with five recommendations. The first recommendation looked at the issue of conflicts of interest. There was a case where a government official was also on a board that received funding from that department. The auditor said there should be some formal procedures to manage identified conflicts of interest. No-one believed there was any inappropriate behaviour, but it does lead to the question: if the government is funding organisations that have government members on boards, and particularly members of the bureaucracy, how do you ensure that there is not a perception of, let alone an actual, conflict of interest? The committee recommends that formal procedures be introduced to manage that.

The rest of the recommendations in the main are about how we look at risk. In recommendation 2 the committee recommends:

> … that the ACT Government should investigate methods to introduce standard risk management practices across all Directorates in relation to funding for community services.

Recommendation 3 says:

> … that the ACT Government should consider and review the use of standard reporting templates with a view to introducing a more consistent approach across Directorates in relation to performance monitoring and acquittal processes …

That is so that we understand we are getting the value for money that we determined. In recommendation 4 we say that the government should conduct an internal audit on how the services to the community are funded, within 12 months, and then create a schedule for future internal audits. In recommendation 5, the committee says that the government should update this Assembly, before we go into caretaker mode, about a plan for future developments on each directorate's progress for managing the grant processes online.

With respect to the secretariat, the report started under Dr Cullen, who, as we all know, is on leave overseas. Ms Kate Harkins took over—thank you, Kate, for stepping into the breach—assisted by Greg Hall and Lydia Chung. I thank my colleagues, Ms Porter, Ms Lawder and Ms Fitzharris, for their efforts and the way they worked together to produce this report.

MS LAWDER (Brindabella) (5.32): I would like to make a few brief remarks on this report. As Mr Smyth said, this PAC inquiry looked at Auditor-General's report No 8 of 2013—*Management of funding for community services*. It focused on the management of funding for community services by three directorates—the Health Directorate, the Community Services Directorate and the Economic Development Directorate.

The audit undertaken by the Auditor-General was aimed at providing an independent opinion on whether the selected directorates have efficient controls and procedures for managing funding of community services. It was good to see that the inquiry and the Auditor-General's report found there were a couple of issues but overall that it was done adequately.

The funding that the ACT government provides to these essential community services organisations enables them to provide a range of services to the ACT community every day of the year. The successful management of that process is very important because those organisations provide services to the most vulnerable in our community. So the audit was important in assessing the efficiency of the government's management of funding for community services.

There were five recommendations made by the committee. I am sure the government will look at those and make a response, and I hope they take them very seriously. I

would like to thank Mr Smyth for his excellent chairmanship of the committee, and for keeping us on track when there was a range of other inquiries going on at the same time, and I thank my fellow members of the committee, Ms Porter and Ms Fitzharris, who operated in a very collegiate and collaborative manner. It was a pleasure to be involved in that inquiry. The secretariat—Andrea Cullen, Kate Harkin, Greg Hall and Lydia Chung—as always, provided excellent support to the committee.

The management of funding for community services enables important work to go on in our community. Whilst the inquiry was not necessarily what the community sector may have been expecting from the title of the Auditor-General's report, it potentially allows the opportunity for a different Auditor-General's inquiry at another time, if that is what members of the community sector feel is very important.

Members of the Assembly are always able to recommend inquiries to the Auditor-General. Perhaps that is something that the Auditor-General will look at in the future—whether it is through using the follow-the-money powers that the Auditor-General recently received or through the usual performance audit process.

I reiterate that it is pleasing to see the Auditor-General found that, generally speaking, those three government departments enabled the provision of funding to community services in an effective way.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 19

MR SMYTH (Brindabella) (5.36): I present the following report:

> Public Accounts—Standing Committee—Report 19—Review of Auditor-General's Report No. 4 of 2014: *Gastroenterology and Hepatology Unit, Canberra Hospital,* dated October 2015, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

As members would know, the Auditor-General has a performance audit program that she sets each year. It is reported to the Assembly. It is done in consultation with the public accounts committee. Because of changes to the Auditor-General Act, it is now organised through the office of the Speaker. The performance audits that are undertaken are done by the program established by the Auditor-General by referrals from PAC, by referrals from the Assembly, or, in the case of this report, it came about from a public interest disclosure.

The public interest disclosure in this case alleged "prolonged maladministration of outpatient services provided by the GEHU since 2012" and was made to the Auditor-General on 27 September 2013. The PID was referred to the Director-General

of the Health Directorate for investigation and the matter was subsequently referred back to the Auditor-General, who investigated the PID from November 2013 to February 2014.

This investigation found there had been no maladministration as defined by the PID Act. However, some concerns did arise and the Auditor-General ceased the investigation of the PID and instead commenced a performance audit. The focus of the audit was the administration of referrals and triaging, with the period being 1 January 2012 to 30 September 2013.

The committee decided in this case not to do a full inquiry into the report. Following the briefing that we received from the Auditor-General and the information that was given to us as to what the department had done to improve the service, the committee has decided—and I will read the recommendation:

> The Committee recommends that the Government provide an update to the Legislative Assembly on the progress of implementing the Auditor-General's recommendations of Report No. 4 of 2014: Gastroenterology and Hepatology Unit, Canberra Hospital by the last sitting day in March 2016.

The committee is aware of the significant amount of work that had been undertaken by the directorate to improve services. If you look at appendix A, which lists the recommendations, the Auditor-General had made two recommendations. Recommendation 1 had five parts to it which asked the Health Directorate to improve the governance of the GEHU by the things listed. Recommendation 2 from the auditor was that the Health Directorate should develop and implement an action plan to reduce the GEHU outpatient waiting list and guide GEHU in providing the best possible patient care. The plan lists a number of actions. There are 12 or 15 actions listed.

We have decided that we believe the government is making progress in this area. We do not pretend that we have the full answer yet, and, as we did with the data tampering scandal report, we have decided to take a watching brief and we have asked the government, as per the recommendation, to respond by the end of March so that we can then make a final decision as an Assembly, or indeed as the PAC, as to the effectiveness of the activity that the government has undertaken.

Again this report started under the stewardship of Dr Cullen as our secretary, and I thank her for that. Ms Kate Harkins has stepped in, in Andrea's absence, and Greg and Lydia helped out. To the members—to Ms Porter, the deputy chair, and to Ms Lawder and Ms Fitzharris—I would say thank you for your efforts in putting the report together.

I say to the government that I will be writing formally on behalf of the committee, but could we please have a report by March to tell us about the effectiveness of the implementation of what has been promised. The public accounts committee will keep its watching brief on this issue.

Question resolved in the affirmative.

Rates Amendment Bill 2015

Debate resumed from 17 September 2015, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.41): The Rates Amendment Bill presented to the Assembly for debate today is about a specific issue, and that is how we apply rates to the Canberra Airport. Indeed with most airports across the country it tends to be an interesting issue.

The government and the airport have come to an agreement whereby they have determined the base value, the average unimproved value, of all airport land as at 1 January 2014. That will be applied as the base and to that each year indexation will be added in a combination of two factors. The first factor is to be called the development index or the change in the total lettable area of the airport land measured in square metres. The second factor is then the growth index. This is the average increase in the AUVs of all commercial land in the territory in the previous year. This is captured in a formula which then determines by how much the rates should either go up or go down.

The process has been in dispute for some years. I would commend both parties on coming to an arrangement. We asked some questions, and I thank the minister for the briefing that was arranged. For instance, the Kingsford Smith airport in Sydney has on its boundary five different councils and the airport has separate agreements with each of the councils on how much in rates should be levied for that portion of the airport land that is in the jurisdiction of that council. I can only imagine that that must be very tedious. With that, we will be supporting the bill today.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (5.43), in reply: I thank the shadow treasurer for his support of the legislation. We recognise Canberra Airport is in a unique position when compared to other airports, which pay their taxes to local jurisdictions under a range of special arrangements, one of which the shadow treasurer has just highlighted that is indeed quite bizarre. In contrast, land at the Canberra Airport is directly rateable under ACT legislation.

The bill that we have put forward establishes a methodology that ensures the collection of an equitable share of revenue from airport lands over the next 15 years. At the same time the new methodology gives the Canberra Airport financial certainty and will certainly minimise the risk of general rates disputes in the future.

I thank those officials who have worked diligently on this matter to arrive at a formula that I think is fair to everyone. Again I thank the shadow treasurer for his support of this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Spent Convictions (Historical Homosexual Convictions Extinguishment) Amendment Bill 2015

Debate resumed from 17 September 2015 on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (5.44): I indicate that the opposition will be supporting this legislation today and may I say that I am very pleased to do so. It deals with extinguishing spent convictions for historical homosexual convictions. In my view, and I am sure that of everyone in this place, there should never have been any convictions in the first place. However, that is a matter of record. I am sure that for all of us it is abhorrent to think that any of our friends or our colleagues could be convicted simply for being gay.

This is a good action here in the Assembly. I do not know how many people will be affected by this legislation but, to be frank, I do not care. I am very happy to support this legislation to send a very clear signal that this should never have occurred and that we are very proud to be able to make this stand in the Assembly today.

I commend the government for bringing this forward. I thank the minister for bringing this forward. I am sure for many of us this is an issue that we would ruminate on. I acknowledge, Chief Minister, that this is an issue that I can understand you feel passionately about, and rightly so. Chief Minister, on this issue, and with your team for bringing this issue forward, we stand united as an assembly.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (5.46): I thank the Leader of the Opposition for his generous remarks and for his support of this legislation.

I know this is a significant piece of legislation for a number of people. I agree and echo Mr Hanson's comments in relation to not being absolutely certain as to how many people will be impacted by this, but I do know that, for those who are, the passage of this legislation today represents another significant step forward for this community.

When I became Chief Minister I indicated a very strong passion to ensure that this city is the most LGBTI-friendly city in Australia. We are supporting a range of activities that will enhance that reputation and we are continuing what has been now a decade-long process of law reform in order to ensure that our city's statute books are fair and that those last vestiges of discrimination have been removed. It has been

pleasing to see that over that journey so many areas of discriminatory legislation have been wiped from the statute books and that an unfortunate era in this country's history has now been put behind us.

What remains unfinished business is the matter of marriage equality: it is, I believe, a year since this place took the historic position of being the first jurisdiction in Australia to legalise marriage equality, to legalise same sex unions by way of marriage. Of course, we all know of the subsequent intervention by the commonwealth and the decision of the High court. What this year and this anniversary represent is this issue being firmly being placed on the national agenda.

I hope that the federal parliament is able to deal with it in the very near future, and I welcome the fact that the new Prime Minister, at least prior to taking on that role, indicated his personal support for and that he would in fact vote for marriage equality in this country. I think it is the first time in Australian political history that we have both a Leader of the Opposition and a Prime Minister who support marriage equality. That is a significant thing and it undoubtedly brings the moment of equality closer for so many Australians who have been striving for so long to achieve that.

But today is about the spent convictions amendment bill. I commend the Attorney-General once again for his personal leadership on these reform matters. Throughout the journey of reform of the ACT law, Simon Corbell has been a leading figure, a leading advocate and someone who has worked diligently in order to ensure that we are a fairer city. Today represents another step in that journey and I, on behalf of my parliamentary colleagues, thank Simon once again for all the hard work that he has undertaken to achieve a fairer Canberra.

In closing, I again thank the Leader of the Opposition for his very generous remarks in his contribution this evening.

MR RATTENBURY (Molonglo) (5.50): I am pleased to support this bill on behalf of the ACT Greens. As a jurisdiction that strives to be welcoming of diversity, it is important that we take steps to undo historical injustices that have seen people persecuted on the basis of their sexuality.

Members will know that the Greens have a long and proud history of standing up for gay and lesbian Australians and for advancing equality. Former Greens leader Bob Brown became the first openly gay member of the parliament of Australia and it was actually Christine Milne in Tasmania who achieved legislative reform in the Tasmanian parliament to decriminalise homosexuality finally in l997. People will be surprised to know perhaps how late that happened.

The ACT was at least a long way ahead of Tasmania. Consensual homosexual sex remained illegal in the ACT until 1976. Thankfully, society has progressed since this time, and it is no longer an offence. I am sure that there are people in the ACT who would still remember, or still feel distress, that their sexuality was criminalised.

Historical laws like this can have a lasting impact and cause lasting suffering. On top of this, there is of course a formal legacy of these offences, as people convicted will

still have them on their criminal record. As a sexual conviction, this offence cannot become a spent conviction under the Spent Convictions Act 2000. It would need to be disclosed when applying for a working with vulnerable people background check, for example. It might impact on employment or travel or other opportunities to participate in the community.

I read an example of a Queensland man, Alan Raabe, who published his story in a Queensland report on this issue. He was convicted for sexual assault in 1988 because homosexual conduct was criminalised. Because he had a criminal offence of a sexual nature, he had to abandon any hope of gaining teacher registration in Queensland, even though he had studied to gain the qualification. He was advised not to proceed with even an application for registration.

The impact is unlikely to be as great here in the ACT as it would be in other jurisdictions given, as I said, that Tasmania kept homosexuality offences until 1997 and Queensland had them until 1990. Nonetheless, it is important that we do make this step. Today's bill will allow people to apply to have these convictions erased permanently from their records.

I believe this is an important symbolic change but also one that can have a very real impact on people's lives. We have already seen legislation passed in South Australia, New South Wales and Victoria that is similar to today's bill. In concluding, I would like to acknowledge the efforts of the thousands of LGBTQI people who have strived for many years to achieve reforms such as the one we will pass into law today.

MR SMYTH (Brindabella) (5.53): One of the films that have been recently released this year is called *The Imitation Game*. I do not know if people have seen it, but it is the story of Alan Turing, and, for those who do not know who Alan Turing is, he is the guy that basically broke the German enigma code in World War II that allowed the allies to gain significant strategic advantage. Whether it was known to his colleagues or not, Mr Turing was gay. After the war and after his having reported a house break-in, the police determined he was some sort of public menace and it resulted in his harassment.

I will not spoil the story. It is a video that people should really get out and watch, if they have not seen it, about the effect of this. It is pleasing that today we remove this piece of discrimination from our legislation and that is a good thing. The other piece that I would refer people to is Oscar Wilde's *The Ballad of Reading Gaol*, written in exile in 1897. After having spent two years in the British criminal system, Mr Wilde was released and I think went to France, where he wrote *The Ballad of Reading Gaol* of his experiences there and the base treatment that the British justice system turned out in the century before last. It is a good thing that we do here today.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.55), in reply: I thank members for their unanimous support of this bill today. In these dying hours of the second last sitting week of the year, it is perhaps an understated moment to make changes to our statute book that will remove a level of stigma and shame that attaches to people who were simply seeking to express their love and express their commitment to one another.

The Spent Convictions (Historical Homosexual Convictions Extinguishment) Amendment Bill allows people to have convictions for consensual homosexual sex erased permanently from their criminal record. As members have observed, for many decades discriminatory laws that prohibited consensual sexual relationships contributed to much stigma and shame, and even when these laws were removed from the statute books they remained with individuals through the shame of a permanent criminal record.

Therefore, the passage of this bill today, whilst perhaps largely unremarked in this place and even potentially in our broader community, will be a landmark event for those individuals who have lived with that stigma and shame. That criminal record may have had a significant impact on their ability to pursue a career or engage in the workforce, let alone in broader civil society. Such a record would have been a heavy personal burden that that person would have had to have carried throughout their life.

There is no legislative mechanism, no rewriting of statute, that can undo the emotional wounds of being subject to a criminal process for what was and remains a consensual sexual act between two adults. This bill gives, though, some comfort to heal those wounds and to lift the burden of the criminal record. The bill sends a clear message from this place that the discrimination of past decades is no longer acceptable.

The bill recognises that loving and respectful relationships are a positive contribution to our community, regardless of the sex or gender of the people involved in the relationship. The bill therefore provides that a convicted person can apply to have their conviction extinguished. If the convicted person has died, an application can be made on their behalf by their legal representative, a member of their family or someone else who had a close relationship with them. Even though the act of extinguishment for someone who has died will be largely symbolic, the ability to make such an application recognises the broad impact that the conviction would have had and the importance of confirming that, by our own perhaps slightly more enlightened standards, the person should never have been convicted in the first place.

The offences eligible for extinguishment include former sections 79, 80 and 81 of the Crimes Act 1900 as they relate to the so-called offence of buggery. The bill also provides a regulation-making power to allow an eligible offence to be prescribed for extinguishment. The offence must capture either (a) a form of sexual activity with another person of the same sex or (b) a public morality offence. A public morality offence is defined in the act as an offence the essence of which is the maintenance of public decency or morality and by which homosexual behaviour was punished. A similar regulation power exists in the New South Wales and Victorian schemes.

To have a conviction extinguished, an application will ordinarily need to be made in writing to the Director-General of the Justice and Community Safety Directorate. The application will be considered on the papers, and generally oral submissions will not be received or required.

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 CORBELL: ACT Legal Aid will help people who require assistance to make an application under the scheme, and forms will be available on the ACT legislation register and the JACS website, for use when the scheme commences following its notification.

The eligibility criteria for extinguishing a conviction draw on the elements of the criminal law that relate to consent and age at the time of the sexual act. Firstly, the director-general must be satisfied that the other person involved in the sexual activity consented. To be satisfied of this, the director-general will not only look at the evidence gathered to inform the decision but be guided by section 67 of the Crimes Act 1900 which deals with when consent is negated.

The second requirement relates to the age of the other person involved in the sexual activity and mirrors the existing age requirements in the Crimes Act. To inform the decision the director-general may require any of the following people or bodies to provide specified information for the purposes of making a decision under the scheme: (a) a public employee as defined by the Public Sector Management Act; (b) a member of the Australian Federal Police; (c) a court; (d) the Director of Public Prosecutions; or (e) any other person or body prescribed by the regulations.

Before making a decision, the director-general may request the applicant to provide further specified information. If the applicant does not comply with this request, the director-general may refuse to consider the application further. The director-general must then inform an applicant in writing if the director-general is inclined to make a decision not to grant the application, to allow the applicant the opportunity to provide further information. If a decision is made not to extinguish a conviction, the applicant has the right to apply to the ACT Civil and Administrative Tribunal for administrative review of the decision and, if their application is denied, they will only be able to reapply to have their conviction extinguished under the scheme if new information to support the application becomes available.

Importantly, a person whose application is successful will not be required to disclose their prior conviction under any circumstances. This differs from the approach taken for a spent conviction, where a spent conviction must still be declared when applying for working with vulnerable people checks.

The passage of this bill reflects and supports our community's acceptance that consensual homosexual sex is not a crime. It ensures that territory laws do not discriminate on the basis of sexuality and it delivers on this Labor government's enduring commitment to supporting an inclusive, diverse and tolerant community. 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.

Children and Young People Amendment Bill 2015 (No 3)

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

> That this bill be agreed to in principle.

Health, Ageing, Community and Social Services—Standing Committee
Proposed reference

MS LAWDER (Brindabella) (6.04): Under standing order 174 I move:

> That the Children and Young People Amendment Bill 2015 (No. 3) be referred to the Standing Committee on Health, Ageing, Community and Social Services for inquiry and report.

It is my understanding that the Community Services Directorate has consulted with a number of community organisations about this bill. However, notwithstanding that fact, some community organisations have continued to raise with me concerns about the final form of the bill. The ACT Legal Assistance Forum care and protection working group and several community organisations, specifically in the Aboriginal and Torres Strait Islander and disability sectors, have voiced their concerns with me that this bill does not give parents of children in care enough time to access services necessary to address the issues raised by care and protection services.

I quote some words from the October newsletter of the Winnunga Nimmityjah Aboriginal Health Service:

> Winnunga supports claims made in the submission by ATODA, DVCS and the MHCC—

that is, the Alcohol, Tobacco and Other Drug Association of the ACT, the Domestic Violence Crisis Service and the Mental Health Community Coalition of the ACT—

> that Aboriginal and Torres Strait Islander children and families are disproportionately involved in the care and protection system …
>
> The consequence is, in the words of the submission that the proposed amendments 'will have a harsh and unacceptable impact on Aboriginal and Torres Strait Islander children, parents and families'.

Other concerns that have been raised with me relate to parents with disability and the lack of services available to them that are specifically targeted at people with disability.

For these reasons, we want to refer this bill to the Standing Committee on Health, Ageing, Community and Social Services. While the government did consult with community organisations, we are unsure, given the comments I have received, that the concerns of those organisations were fully considered or investigated. By referring

this bill to the Standing Committee on HACSS, community organisations such as Aboriginal and Torres Strait Islander community organisations and disability organisations will be able to make submissions on the bill and have them considered in detail and placed on the public record.

I commend to the Assembly the motion to refer this bill to the committee under standing order 174.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.07): It is disappointing at this time for Ms Lawder to move this motion to refer the bill to a committee, because the current service system is not sustainable. Delays in these amendments will compromise the community's and the government's capacity to achieve better outcomes for children and young people in care and jeopardise the sustainability of the service sector, as contracted services will not be able to implement services as proposed. Furthermore, delays in the amendments will compromise UnitingCare Karinya House's and Karralika's capacity to deliver services under the strengthening high risk families program. Providers delivering practical, intensive in-home services have developed models that are premised on the care and protection services legislation and early intervention and prevention services working together to create the incentives needed for families to participate.

Furthermore, those delays will deliver quite difficult time lines. Direct implications in delaying this amendment will perpetuate high levels of red tape required to approve carers. This will immediately impact on the organisations' capacity to recruit suitable carers in the system. It will delay the implementation of carer payments to carers of young people wishing to remain at home with their foster care family or kinship family beyond the age of 18, which could compromise existing care arrangements and place young people at risk.

It will also delay enhanced oversights requiring organisations to provide information to the Public Advocate and enhanced mandatory reporting. Delays will increase risks with new organisations commencing in the ACT, delaying consideration of long-term care arrangements and enduring parental responsibility also, and delays would have an impact on the capacity of organisations to commence services, under-strengthening high risk families.

There has been quite a bit of time for members to consider this bill and we have talked and worked cooperatively with members of the Assembly. We have also been working very hard with the stakeholders that Ms Lawder mentioned this afternoon. Therefore I cannot support the bill going to committee. We have consulted with the community very strongly and this bill has gone through scrutiny without any recommendations.

MR RATTENBURY (Molonglo) (6.10): I will not be supporting this bill going to a committee. I received an email from Ms Lawder at about 7.30 this morning raising this prospect. Having received that email I made some early calls and looked at the issue in a bit more detail. I too had some similar concerns, which Ms Lawder had

raised with me over recent months as part of the development of this bill and which I then in turn raised with my colleagues. I discussed this with Minister Gentleman in the cabinet process.

I flagged some of my concerns and I was provided with a range of information—I understand the same information has been provided to Ms Lawder—that illustrates that community consultation has been ongoing on this specific bill since April this year, right up to this month. Of course that sits in the context of the broader reform of the out of home care strategy which has being going for a couple of years now. So I do feel that there has been a lot of work done on this legislation.

Clearly there are some important details that still need to be communicated to people, and that is a challenge that sits with the minister and his directorate staff now to be very proactive in explaining this legislation to people. But, overall, from the discussions my office and I have had with the stakeholders in this space, we believe that there are a lot of positives in this legislation. Given the consultation that has been taking place, the extensive engagement with stakeholders over a considerable period, I think it is appropriate that we proceed with this legislation as proposed today.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 6		Noes 7	
Mr Coe	Ms Lawder	Mr Barr	Ms Fitzharris
Mrs Dunne	Mr Smyth	Ms Berry	Mr Gentleman
Mr Hanson		Dr Bourke	Mr Rattenbury
Mrs Jones		Mr Corbell	

Question so resolved in the negative.

MS LAWDER (Brindabella) (6.15): I am pleased to speak on the Children and Young People Amendment Bill 2015 (No 3). It is a bill for an act to amend the Children and Young People Act 2008 and for other purposes. This bill will give effect to a number of elements of a step up for our kids, a new out of home care strategy released by the government in January this year. It is the third of a series of bills brought before the Assembly seeking to give effect to that strategy.

I note at the outset that the Canberra Liberals want to ensure that the best interests of children and young people in the ACT are paramount. One of the key elements of the bill is that it proposes to allow the director-general to seek long-term care orders for children aged under two years after a continuous period of 12 months in care.

The proposed amendments will also reduce the period that a child or young person is required to be in care and living with the carer who will be assuming full parental responsibility under an enduring parental responsibility order. The period will reduce from two years to one year, or a total of one year in the previous two years. The

proposed amendments change the time frame of the limitation by bringing forward the period necessary before the Children's Court is able to extend short-term care orders or make long-term care orders.

This bill will also make psychologists mandated reporters. It will impose on psychologists the same responsibilities as other health professionals that are mandated reporters. So in a practical sense it will make it mandatory for a psychologist to report sexual abuse or non-accidental physical injury to a child or young person.

In conclusion, while we have informed the Assembly of concerns surrounding public consultation that have been expressed to us, it is the will of the Assembly not to refer this bill to the Standing Committee on Health, Ageing, Community and Social Services. Therefore we support the intent of this bill despite these concerns. The Children and Young People Act 2008 and the subsequent amendment bills have placed the best interest of the child or young person as the paramount consideration and we must not lose sight of this overarching need.

MR RATTENBURY (Molonglo) (6.18): I will be supporting the bill before us today. This third tranche of the major reforms to care and protection services in the ACT in a challenging domain has been driven by key questions about the current system and has been prepared so that it answers the question: "Can we do better?"As the explanatory statement sets out, clearly there will be many changes in the service system's response to the abuse and neglect of children and young people in our community once implemented.

The stronger focus on birth parent advocacy with the creation of a stand-alone service is one example, I think, of the broad scope of the legislation in that it recognises fully that the distinct vulnerabilities inherent in some families where neglect occurs may also influence that parent's ability to have appropriate ongoing involvement with their children. This is a brave area of focus when the attention quite rightly is on the safety and best interests of the child but shows that a step up for our kids is seeking to consider these interests in depth.

Clause 4 will allow a children and youth services council to be established from time to time to exercise stated functions with specific strategic purpose and remit, thereby abolishing the standing council. A key concern for the ACT Greens going forward with these reforms is the need for the voice of the child or young person to be heard clearly. They will be the ones who will be most affected by these changes and will be the most reliable source of information and advice about the effectiveness of the legislation once translated into daily practice.

However I do understand the rationale behind seeking to add more relevance and direction to these types of councils and groups. It is my hope, though, that the Community Services Directorate in partnership with the appropriate non-government community agencies develops a genuine and long-lasting avenue for children and young people to advocate for themselves and for their peers in the care networks. And I look forward to hearing more about how this might happen soon.

Clause 5 will hopefully be well received by kinship and foster carers in that it seems designed to use more appropriate language to describe the vitally important and challenging roles that they have in the child's life, and changing from "suitable entity" to "approved carer" seems to reflect this better.

Clause 10 that legislates that psychologists are now to be considered mandatory reporters of sexual abuse or non-accidental physical injury to a child or young person will bring us into line with South Australia and Tasmania and put us ahead of other jurisdictions in some regards and will sit alongside the existing Australian Psychological Society's code of ethics. This will remove any uncertainty from this professional and privileged relationship.

Clauses 13 to 16 deal with issues of short-term parental responsibility and the changing time in which a child can be considered suitable for such an order. These amendments have, I know, created some questions and concerns, in particular in the Aboriginal and Torres Strait Islander community. I asked some questions around this with my cabinet colleagues, as I touched on earlier. I am assured that, as the explanatory statement indicates, these changes are based on the evidence the impact of trauma can have on the neurodevelopment of children under two years of age and the importance of stability of placement in safe, healing relationships.

I have also been assured that in this regard, and similarly with subsequent clauses regarding enduring parental responsibilities, the intention is not prescriptive. It is focused on the best interests of the child and will allow for unique individual circumstances such as extended parental rehabilitation. I am also assured that if parents are able to demonstrate commitment to parenting their child safely this will be taken into account by the Children's Court in determining orders.

I have suggested to my colleagues and repeat here now that due to the complexity and obvious sensitivity of these matters further community education campaigns be offered wherever needed as the amendments are implemented. Our community needs to be given the ongoing respect to respond to any continuing questions that are raised. As I said, I understand that these issues are of particular concern to the Aboriginal and Torres Strait Islander community and I have been reassured by and am thankful for the minister's and Community Services Directorate's commitment to working through these concerns and offering briefings as required.

Clause 27 and subsequent clauses create a range of new sections that allow for streamlining and strengthening of the approval processes for approved carers and clarify some issues that were raised in the last debate regarding amendments to the act relating to notification methods.

I will not speak to the remainder of the clauses in depth, with the limited time and the late hour, but I make specific mention of clause 50 which enables the director-general to provide financial assistance to a carer where the young adult remains in the placement and this is an agreed part of the transition plan. The subsidy payment will now be available until the young adult turns 21 years of age or leaves the placement, whichever is earlier. I believe this is a very welcome recognition of the realities of

caring for young adults and is an area that the Greens and my former colleague Meredith Hunter have long called for to be properly resourced. I applaud the government moves to have this reflected in legislation.

I also mention that my office has received some more general feedback from stakeholders about the professional development needs of the non-government sector going forward and the need for easily accessible and plain language publication of the rights, responsibilities and roles of the sector under this new framework. I understand these issues will continue to be worked through in the coming months.

Overall this bill, when taken in conjunction with the previous bills and the changes in service provision, funding arrangements and the makeup of the local sector, will see a challenging implementation but one that I am optimistic will provide a much more coordinated and effective response to the care of our children and young people.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.24), in reply: I thank members for their contribution to this bill today. The purpose of the bill is to give effect to a number of important elements foreshadowed in a step up for our kids: ACT's out of home care strategy 2015-2020.

The features of the bill were consulted on broadly and clearly identified in the strategy. Prior to this, proposed amendments were canvassed in discussion papers released in the development of a step up for our kids. The amendments have also been through the scrutiny of bills committee and the human rights implications have been well canvassed through this forum and found to be compliant.

These amendments will ensure that children and young people are placed at the centre of decision making and that the focus is on their best interests. In this way, children and young people will have every chance to grow and develop and are supported to be their best in a loving, safe and stable home.

The bill contains 66 clauses of amendments in the following areas: establishing stability in a family environment for babies as early as possible; transferring full parental responsibility for a child to a carer as early as possible; ensuring quality of care for children and young people in foster and kinship care; simplifying the approval process for carers; supporting young people to transition into adulthood; sharing information about children and young people with the care team; maintaining a life story for children and young people in care; enhancing safeguards for children and young people in care; third-party oversight of the proposed amendments; and minor, technical and consequential amendments. I will now go into more detail about these areas.

The first set of amendments is about establishing stability in a family environment as early as possible and relates to clauses 14, 15, and 16 that concern children under two years of age and short-term parental responsibility provisions of a care and protection order. Toddlers and babies under two are extremely vulnerable. It is a time of significant development for a child when foundational experiences can have lifelong impacts on a person. This is why placement stability without undue delay is critical.

Proposed changes amend the criteria for a short-term parental responsibility provision for children under two years old. The period of time will reduce from not longer than two years to one year. For children over the age of two years the period of time will remain at two years. I acknowledge that this proposed amendment has raised some concerns in the community, specifically that 12 months will not give birth parents enough time to address the issues that caused the removal of their child in the first place, and that this may put them at extra risk of losing their child permanently.

Clearly, these are complex and difficult matters to consider. I understand this issue was considered at length as part of the development of a step up for our kids, involved extensive public consultation and is supported by health professionals and those who have witnessed the impact repeated trauma has on a young person. That is why a step up for our kids has a focus on providing intensive support to families who become involved in the care and protection system.

I announced on Tuesday that we have commissioned services from UnitingCare to commence in January 2016 that will assist birth parents to access practical in home support and guidance to help address the issues that have contributed to their families unravelling. UnitingCare's Aboriginal and development unit, Jaanimili, has already commenced planning with my directorate to prioritise Aboriginal and Torres Strait Islander families to access these services from January. This marks a significant commitment by the ACT government to reduce the overrepresentation of Aboriginal and Torres Strait Islander children and young people in out of home care.

All families will be engaged to access timely and appropriate supports to achieve reunification where it is possible and in the best interests of the child. In relation to this point, I would mention here that the Childrens Court is already able to make long-term care orders in reduced times under the Children and Young People Act, and that this does happen. I wish to emphasise that this 12-month period will not trigger an automatic requirement for the court to make a long-term order. However, it does allow for the consideration of a long-term order if this is in the best interests of the child.

The second set of amendments is about transferring full parental responsibility for a child to a carer as early as possible. Enduring parental responsibility orders support permanency placement for a child or young person in care by transferring all aspects of parental responsibility from the director-general to a carer whereby the director-general no longer has responsibility for the child or young person. This is a very good outcome for the child or young person as it normalises their relationship with their new family. Enduring parental responsibility orders are similar to adoption but preferred for children and young people in kinship care arrangements and for Aboriginal and Torres Strait Islander children and young people as they do not change familial relationships.

To promote a stable family environment for a child or young person as quickly as possible, the proposed amendments will reduce the period of time that a child or young person is required to be living with the carer who will be assuming full parental responsibility. The period of time will reduce from two years to one year, or for the

child or young person to be in care for a total of one year in the previous two years, regardless of the age of the child. This will replace the current requirement of two years in the previous three years.

The third set of amendments is about ensuring the quality of care for children and young people in foster and kinship care. Currently under the Children and Young People Act, carers are not required to renew their authorisation as a carer. The act does allow for the revocation of a foster carer under certain circumstances, but there is no mechanism to regularly check the ongoing suitability of a foster carer. This represents a risk to children and young people in care and is out of step with other jurisdictions.

There is a need for the authorisation of carers to be regularly renewed to ensure carers continue to meet suitability requirements and do not present a risk to children and young people in care. The proposed amendment in clause 27 will enable the director-general to issue a carer approval for up to three years. Renewals would be tied to renewals of the working with vulnerable people checks to minimise inconvenience.

The proposed amendment promotes the rights and interests of children and young people in care by ensuring they are cared for by people and in circumstances that continue to meet suitability requirements. It also provides a further safeguard for children and young people in care.

The fourth set of amendments is about simplifying the approval process for carers. Amendments are proposed to the Children and Young People Act to reorder the approval process for carer provisions to make them easier to access and understand by people who are engaged in the protection, care and wellbeing of children and young people.

The amendment is consistent with a step up for our kids for approved kinship and foster care organisations to take a greater role and responsibility for children and young people in care. This will include the approval of carers. The criteria for deciding the suitability of a carer will remain the same and will be based on the suitability entity and general parental authority provisions in the Children and Young People Act. The amendment includes a protection by making the decision a reviewable decision.

It is proposed to insert a new division in the Children and Young People Act to establish a new category of carer at clause 27—an "approved carer". As a consequence, section 519 that referred to foster carers and "general parental authority" has been omitted, along with all references in the act to foster carers being "suitable entities" and having "general parental authority".

This new division does not affect a person's requirement to meet the criteria for being granted specific parental authority under sections 516 and 518. Further, existing carers would be grandfathered and transitional arrangements are provided for in the bill in clause 60. The amendment is technical in nature and does not alter the policy of the Children and Young People Act.

It will still be important to maintain separation and distinction between the decision to approve a carer and the decision to place a child or young person with a foster carer. The specific placement of a child or young person must consider the unique circumstances, interests and needs of the child or young person and should not be a reviewable decision by the ACT Civil and Administrative Tribunal. The proposed amendment will not change this current arrangement.

The fifth set of amendments is about supporting young people to transition to adulthood. There is a new provision in the bill for the payment of carer subsidies to be extended to a carer where a young person continues to be in their home after turning 18, up until the age of 21 years. This proposed amendment recognises not only that all young people fare better when they are supported to transition to adulthood but also that young people in out of home care have often had to work through major issues that have impacted on their development.

The sixth set of amendments is about sharing information about children and young people with the care team and relates to the previous amendment. The proposed amendments in clause 50 will allow approved care and protection organisations to declare care teams and hold information sharing delegations to identified staff within their own agencies. This will ensure people who need to share information about a young person can do so quickly and easily.

Information sharing provisions are governed by the principle that all decisions to exchange information will be in the best interests of the child or young person. Approved care and protection organisations already hold records and information about children and young people in care and are required to comply with a range of ACT and commonwealth privacy legislation.

The seventh set of amendments is about maintaining a life story for children and young people in care. Currently the director-general must give an annual review report for a child or young person to a range of people involved in the child or young person's life. That is in section 497 of the Children and Young People Act. Approved care and protection organisations will be best placed to be responsible for annual review reports and for the preparation, implementation and review of care plans for children and young people on long-term orders.

These proposed amendments are about making decisions that promote the rights and interests of the child and achieving better outcomes for children and young people in care. Having decisions made by people closer to and with responsibility for the child or young person supports this intent. The proposed amendments will enable the director-general to delegate power to prepare annual review reports and prepare care plans to an approved kinship and foster care organisation or a residential care service.

As part of the consultation process on the exposure draft bill, it was identified that there is no need for the Childrens Court to regularly, or automatically, review annual reports that it is given as a requirement under section 497(1)(e) of the Children and Young People Act. In practice, when a care and protection matter is brought before the Childrens Court, the court requests information from the director-general about the child or young person's circumstances and living arrangements.

Given this situation, there is no useful purpose in automatically providing annual review reports to the Childrens Court. This places an unnecessary administrative burden on the Childrens Court, the director-general and, shortly, approved care and protection organisations, as they are proposed to have greater responsibility for annual review reports for children and young people on long-term orders.

It is therefore proposed to amend the requirement to provide annual review reports to the Childrens Court, to instead provide an annual report only upon request by the Childrens Court—that is, clause 21. This decision is consistent with the overarching principle of a step up for our kids for simplified administrative processes and is a policy change. The other listed persons in section 497(1) required to be given copies of annual review reports will continue.

The eighth set of amendments is about enhancing safeguards for children and young people in care. It is proposed to add psychologists as mandated reporters with the same requirements that exist for other health professionals. Mandatory reporting is a strategy that acknowledges the prevalence, seriousness and often hidden nature of child abuse and neglect, and aims to enable early detection of cases which otherwise may not come to the attention of government agencies. Mandatory reporting requirements reinforce the moral responsibility of community members to report suspected cases of child abuse and neglect. Mandatory reporting aims to create a culture that is more child centred and which will not tolerate serious abuse of vulnerable children.

The list of mandated reporters at section 356(2) in the act includes health professionals, doctors, nurses, dentists, teachers, police officers, midwives and other professionals that have contact with or provide services to children, young people and their families. Excluded from this list are psychologists, even though they can play an important role in the early detection of cases of suspected child abuse. This issue has been identified by the ACT Health Services Commissioner when investigating a complaint. *(Extension of time granted.)*

The commissioner is of the view, as am I, that psychologists are just as likely as other health professionals to be made aware of allegations of child abuse. The proposed amendments will include psychologists in the category of a mandated reporter. This amendment will serve to further safeguard at-risk children and young people and places the same requirements on psychologists that exist for other health professionals. Furthermore, the ACT will be consistent with the vast majority of other jurisdictions that include psychologists in the category of a mandated reporter, except Queensland and Western Australia.

It is also proposed to amend the definition of "ACT child welfare service" in section 873(3) of the Children and Young People Act. The proposed amendment in clause 59 will include listing an "approved care and protection organisation" as an "ACT child welfare service". This amendment would require an approved care and protection organisation to assist the Public Advocate when requested to do so by the Public Advocate. This amendment will provide a further safeguard for at-risk children and young people.

The ninth set of amendments is about third-party oversight. Two important domains of a step up for our kids are strengthening accountability and ensuring a high functioning service system. The proposed amendments in clause 4 to the Children and Youth Services Council provisions support these two important domains, as well as strengthening safeguards for at-risk children and young people.

Currently under the Children and Young People Act, the council reports to the Minister for Children and Young People about the operation or administration of the act, and may make recommendations to the minister about services for children and young people. A review of the functions and governance arrangements of the council in 2014 identified opportunities to reform the way in which the council functions, including strengthening the advisory role by focusing the council's remit on specific strategic initiatives being undertaken in relation to the act.

The proposed amendments contained in this bill aim to enhance the functions of a council to allow it to be established from time to time with a specific strategic purpose and remit. This will ensure that the council is only stood up when there is a clearly identified requirement. The council will no longer consist of a representative membership but will comprise members with expertise as deemed appropriate for its specific purpose when it is established from time to time. It is proposed to establish a council immediately and its remit will be to monitor and report to the minister on the implementation of a step up for our kids.

The final set of amendments is about minor, technical and consequential amendments. Following the recent passing of the Children and Young People Amendment Act 2015 (No 2), a small number of minor and technical amendments have been identified to improve the administration of the Children and Young People Act. For instance, the Children and Young People Act makes provision in section 62 for an entity to apply, in writing, to the director-general for approval as a suitable entity for a stated purpose.

Section 352B of the act currently provides for care and protection purposes to be either relating to a function under the care and protection chapters or prescribed by regulation, but not in both. The functions contained in section 352B(a)(i) are intended to refer to foster care and residential care functions. To clarify this intent as contained in clause 7 of the bill, it is proposed that the functions be specifically named and described in the regulation alongside the additional new care and protection purposes that are not named in the act. It is also proposed in the bill to change the term "foster care service and/or organisation" to "kinship and foster care organisation". This is to more accurately reflect that kinship carers will be supported by foster care services.

Further minor and technical amendments are contained in clause 60 of the bill and these amendments are necessary to give effect to the substantive amendments that I have described above and ensure consistency in language throughout the Children and Young People Act.

The bill also reorders sections 507A and 529 in such a way that the criteria, approval, placement and renewal requirements can be easily accessed and understood by people engaged in protection, care and wellbeing of children and young people. This reordering does not in any way substantively alter requirements under the existing act.

Finally, the bill contains consequential amendments to the Working with Vulnerable People (Background Checking) Act 2011 that are necessary following amendments in the bill to the definitions of carers. These amendments are contained in schedule 1 of the bill and allow for the continuation of existing practices for carers in being required to have a working with vulnerable people check.

The content of the bill that I have outlined today is part of broader work that has been occurring that reflects evidence-based practice, robust discussion and views of people who care for children and young people. Importantly, these amendments are shaped by the rights and best interests of children and young people who are most impacted by what happens in our child protection and out of home care systems.

This bill forms an essential part of achieving the vision under a step up for our kids. I would like to thank Minister Rattenbury and all his staff for the informed comment and interest they have shown in this important bill, and also Ms Lawder and her staff.

Agreement to this bill by members of the Assembly sends a powerful signal to the wider Canberra community that members in this place are united in their desire to see that the best interests of children and young people are paramount in the care and protection system.

I would also like to thank officials from the Community Services Directorate for their ongoing work in implementing a step up for our kids, and members in my office, particularly Neil Finch. 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.

Adjournment

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

> That the Assembly do now adjourn.

Belconnen Dog Obedience Club

DR BOURKE (Ginninderra) (6.46): Canberra is a great city in which to own a dog. We have extensive greenbelts through and between our suburbs that are perfect for walking a dog. A well-socialised and trained dog goes a long way to making our extensive off-leash areas work for everyone. Tonight I pay tribute to the highly qualified volunteer dog trainers at the Belconnen Dog Obedience Club at Mitchell. They have done a great job over the last 40 years in training dogs and promoting responsible dog ownership.

I had the pleasure of joining the club's 40th birthday celebrations on Saturday. Belconnen Dog Obedience Club is testament to the special bonds developed over millennia between humans and dogs. It is a rewarding relationship of love and trust. This was especially evident meeting Carolyn Shrives and her dog, the legendary Digby, "the flying westie". Digby is a west highland white terrier and a renowned flyball champion with the club's team, the Belconnen Bullets. Digby and a range of dogs of all sizes and breeds demonstrated their flyball skills at the celebrations.

The flyball relay race involves dogs racing over four hurdles to trigger a flyball box pedal, catch the ball that drops and then return over the hurdles so that the next dog in the team can take off. Owners yelling encouragement often accompany the dogs down the laneways. Other events at the birthday celebrations included "dances with dogs", where dogs and their owners performed routines to music.

I thank all of the members of the club and the Belconnen Dog Obedience Club committee, including its president, Jenny Thistleton, and vice-president Lesley Hayes for the work they do. The club grounds were looking magnificent on Saturday and they were filled with well-trained dogs and their owners enjoying themselves. It is great to know that the club's fees and fundraising over the years, and the sport and recreation grants to the club, have benefited the community generally, and specifically dogs and their owners.

AFL youth girls team

MR DOSZPOT (Molonglo) (6.48): A few days ago I received an email from a proud father, Bill Mason, whose two daughters, Zoe and Zarah, were part of a history-making team as the AFL under 18 Canberra youth girls became state champions. I rise tonight to honour the ACT AFL under 18 youth girls team, who are now state champions after winning the NSW-ACT AFL state cup grand final, against the highly rated Sydney Harbour team, in a close game. They won 3-5-23 to 2-10-22.

The magnitude of this win is even more incredible when we consider that at last year's carnival the team unfortunately returned without a win and without scoring a goal. As such their goal was a simple one—to improve. They not only improved but they went on to become the very first youth women's team from the ACT to win the state cup. Over the weekend the team managed to defeat Hunter Valley by 23 points and draw with a highly rated Riverina team. These results were enough to qualify for the tournament's grand final against two-time winners Sydney Harbour.

The grand final was to be a game for the ages. The team scored two goals to level the scores late in the game. With the scores locked at full time the game was headed to overtime and after two periods of overtime the teams still could not be separated, forcing the game to a rare period of golden point. In a slice of sporting drama the winning point was scored by AFL Canberra captain Morgan Kemp.

Canberra has produced some incredible Australian football players over the years, including Alex Jesaulenko, Craig Bolton, James Hird, Aaron Hamill and, more recently, Josh Bruce and Phil Davis. We can now add our very first NSW-ACT state

cup champions, and with the AFL looking to establish their own women's league in the near future, we can look forward to one day adding some of our promising young women alongside the names of Canberra's greatest Australian footballers.

Congratulations to all the players and the coaching staff who contributed to the success of the tournament and thanks to AFL Canberra for supporting our young female footballers. The future of women's football here in Canberra looks very promising. We can all be proud of such a historic achievement from a group of talented young women.

With respect to the names of the players, from Gungahlin we had Kaitlin Dobing; from Queanbeyan Tigers we had Jillian Shea and Heather Brayshaw; from Ainslie we had Amy Dwyer, Zoe Allen, Sophie Corver, Renee Friend, Emylee Hawke, Zarah Mason, Zoe Mason, Alex McKeough, Jess Stramandanoli and Bonnie Lawrence; from Belconnen we had Morgan Kemp, Maggie Gorham, Georgia Gorham, Natasha McKay, Danielle Bewick, Cassidy Reis, Alexia Hamilton, Chelsey Hamilton and Sarah Assis Sha'Non; and from Eastlake we had Kelsey Shakespeare and Mikaela Beaton. The head coach was Adrian Pavese, the midfield coach was Scott Reid, the forwards coach was Trish Young, the backline coach was Natasha Monger, the manager was Lisette Robey, the trainers were Judy Mustard and Mel Kershaw, AFL Canberra support came from Tess Parker, and runners were Teigan Hawke and Amber Allen.

Lifeline

MR WALL (Brindabella) (6.51): It was once again a great pleasure to take part in the FM104.7 Lifeline fundraiser, "Lock Up Your Boss". It was a fundraising challenge that was held last week and once again my staff saw fit to put me behind bars, so to speak, to raise money for what is a great cause: supporting the work that Lifeline does locally.

This year I and my fellow locked-up bosses managed to raise almost $30,000 for Lifeline, money that will go towards the continued growth of Lifeline operations here in Canberra, which include the recruitment, training and ongoing support of volunteer telephone crisis supporters. I understand it takes about $8,000 to train one telephone crisis support counsellor so, to put last week's efforts into perspective, about four new support workers were funded by this combined effort.

I would like to place on the record my thanks to all those who participated in and organised this great fundraiser. I acknowledge the support once again this year of FM 104.7 and Service One Alliance Bank. Thanks must also go to those who helped me to post my bail. One thousand dollars was required to be let free, and I managed to come just shy of $2,000 in total. So thank you very much to the many contributors that helped me to raise that money.

Initiatives such as these are very important. I would urge all members of this Assembly and the community to get behind a cause that supports the local community, whatever it may be, and help build a more resilient community. Lifeline is particularly close to me, given the work that they do in suicide prevention, and I think it is a great cause to support.

Ice hockey

MRS DUNNE (Ginninderra) (6.53): Tonight I would like to acknowledge ice hockey in the ACT. It is one of Australia's fastest growing sports, increasing its participation by 40 per cent since 2008, and its attendance has grown by about 25 per cent every year. I need to declare a conflict of interest. I have been a skating mum for 20 years or more.

In 2000 the Australian Ice Hockey League was formed with three teams—the Sydney Bears, the Adelaide Avalanche and the Canberra Knights. The team roster has now grown to eight, but the Knights were replaced, after they folded, by the Canberra Brave in 2012. The Brave, like any good anchor tenant, has been at the core and centre of ice hockey in the ACT. The Brave are recognised as competitive on a national level and they have reached the semi-finals, despite poor facilities, in the last two years.

Canberra has a grand total of one ice skating rink. The rink has to accommodate more than 12 teams in addition to providing a place for public recreation as well as providing for figure skaters and people who participate in broomball. Ice hockey teams in Canberra need to share the rink for training as well as playing games. My own son, as well as being a hockey player, is a coach of one of the growing number of women's teams and has said to me that there are times when his team gets ice time only for games and they do not get any ice time for practice.

The fact that our national team has managed to make the semi-final with such limited ice time and with such limited facilities says a lot about the potential for Canberra. If the Brave had the facilities that other teams have, they would be more than competitive on a continuing basis, and they would have a possibility of taking the championship in the next few years.

The lack of adequate ice facilities does not only lessen Canberra's chance of winning a national title but we also have a possibility of actually losing out because of the poor facilities that we have. Already in Queensland the league has been diminished because of the lack of suitable venues. This cannot happen in Canberra. If it were not for the Brave and the public support for the game, a great many people would be missing out on the excitement that is ice hockey.

I recall that I attended a game recently—it might have been one of last year's games—and can attest to the chanting of "New rink! New rink!" as the minister for sport went out to drop the puck before a Brave game.

We have over-utilised facilities which present a range of risks to competition players, others who are involved in ice sport and the general public. Instead of safety glass protecting the public from the puck that is standard in most arenas, we have a net. Only last Saturday, when I attended the bronze medal play off for the B-grade team, won by the Blades—go Tom!—a small child narrowly missed being hit by a flying puck.

The bathrooms are run down and in disrepair and there is no proper extraction equipment to expel the fumes from the petrol-driven Zamboni. If you look on any of Canberra's social media sites, you will see that the public is clamouring for a new rink and there are numerous complaints about the current rink. On many occasions the seats are filled many hours before the games start, or at least an hour before the game starts, and at Brave games there is never any standing room left before the game starts.

Many ice hockey fans have been remarking that the government should do something about the inadequate facilities instead of throwing money at light rail, and I can attest to that. It has been said to me more than once in recent times. We do need to recognise the role that ice hockey plays in our community, not just locally but nationally as well. The current facilities are clearly beyond capacity. What we see here is ice hockey being a poor relative compared to other national sports in the ACT.

I had the opportunity to attend a number of matches for the Brown Trophy which was conducted at O'Brien rink in Melbourne's Docklands between 8 and 12 October this year. It is a national sub-professional competition. I do have to declare an interest, in that my son, Tom Dunne, scored the first goal for the ACT in that competition. But it was also interesting to note how badly supported these people were when they had to—*(Time expired.)*

Share the Dignity

MRS JONES (Molonglo) (6.58): Last month, I was privileged to be a part of the Share the Dignity campaign, which aims to provide homeless and at-risk women with basic essential sanitary products. Share the Dignity was established earlier this year by two women in Queensland who recognised the urgent need to provide support for homeless women in Australia. It is horrifying to think that many women are forced to make a decision between buying a meal or buying pads or tampons.

A reception for Share the Dignity was generously hosted in the reception room by Mrs Dunne in this place at lunchtime on Wednesday, 16 September. It was fantastic to see my fellow Assembly colleagues, Mrs Dunne, Ms Lawder, Ms Porter and Ms Berry, along with many staff members, support the cause. Many local businesses, including City Market Chemist in the Canberra Centre, were extremely generous in donating and supporting this cause to help vulnerable women across Canberra with these essential items.

It was Share the Dignity's first national drive. It gives me great pleasure to learn that over 1.5 million sanitary items were donated across Australia and that the Canberra community have been a great contributor to this success.

I hope this is just the first step. In Australia right now, it is estimated that around 50,000 women are either homeless or at risk of homelessness. Because of the generosity of so many Australians, a group of these women will be spared the indignity of not having the necessary sanitary items for their health and wellbeing, along with the many other matters that they are grappling with for their survival.

I am proud of the contribution our Assembly has made to these women. As shadow minister for women, it was really great to be able to be part of helping with this worthwhile campaign. I encourage everyone to get behind this fantastic organisation and the Canberra women.

The next collection drive will be in April next year. I for one will continue to support the great work of Share the Dignity in any way that I can. For more info, please go to www.sharethedignity.com.au.

Telstra Business Women's Awards

MS LAWDER (Brindabella) (7.00): Last Friday, 23 October, I was pleased to attend the 2015 ACT Telstra Business Women's Awards. I would like to thank Lisa McTiernan, Telstra's government relations manager, for the invitation. The night was a huge success for all involved. It was inspiring to hear the stories of such successful women, not just because they are women but because of their accomplishments. Jane Caro was the MC; and the special guest was Stephanie Alexander, food writer, cook, restaurateur and creator of the Kitchen Garden Foundation, which is built on the need for children to learn about food early in life through example and positive experiences, and the effect of those lessons on their food choices throughout the rest of their life. It was great to hear her stories.

The Telstra Business Awards were founded in 1992 to celebrate the achievements and entrepreneurial spirit of Australia's small and medium businesses. For over two decades, they have championed the efforts of women in business. The recent addition of the Business Women's Awards assists leaders and emerging leaders to achieve systemic change for the role that women play each and every day for the success of a particular industry or field.

Overall, the 2015 ACT Business Woman of the Year was Brigadier Georgeina Whelan, Director General of the Defence Department's Garrison Health Operations. Georgeina also won the Government and Academia Award.

The Start-up Award went to Jessica May, of Enabled Employment. Jessica is a young woman with a disability herself, who created a business to assist highly capable women with a disability to find productive and well-paid employment. Some of those people include Defence Force members with post-traumatic stress and other injuries.

The 2015 Telstra Corporate and Private Award went to Sarah Valentine, Director of Corporate Affairs and Communications at Raytheon Australia, whose responsibilities include Australia, Japan and South Korea.

The Young Business Women's Award went to Joanna Richards for the innovative laundry detergent Solution Solution, which removes make-up without damaging clothing and apparently has a great market in the bridal gown industry, where people try on wedding dresses and often leave make-up marks on them. It has been warmly received by bridal salons.

I was very pleased to learn that the Entrepreneur Award was picked up by Karen Porter, owner of Solace Creations Double Glazing and fellow member of Canberra Women in Business. Karen is an exuberant and determined woman who in four years has grown her business from a start-up to one with over $3 million in turnover. She is passionate about energy-efficient windows and doors to save her clients money on their energy bills and cut their carbon footprint. Well done to Karen.

Philippa Moss, Executive Director of the AIDS Action Council, won the For Purpose and Social Enterprise Award. The judges were very impressed with her ability to thrive in a sector that can still suffer under significant stigma. Philippa made the point that winning the award would go some way towards dispelling that stigma.

ACT winners will proceed to the national finals in Melbourne on 18 November.

The night was filled with many exciting success stories. I was pleased to be able to speak at length with Samantha Kourtis, the 2014 ACT Telstra Business Woman of the Year. Samantha is the managing partner at Capital Chemist Charnwood. She also won the Private and Corporate Sector Award and the Business Innovation Award at the 20th Telstra ACT Business Women's Awards. Her business is going from strength to strength under her guidance and I am sure we will see more of her in the future.

I would like to congratulate not just the winners, but all who were finalists and even those who nominated. To see so many inspiring women in one place at the same time was really powerful. There was so much support, encouragement and advice shared on the night. I encourage other businesswomen in Canberra to consider entering the Telstra Business Women's Awards next year. Many women there on the night told me that the experience of going through the nomination process, the judging and potentially being a finalist and a category winner has been described by some as life changing. It is not just the prize pool that is available but opportunities for networking and personal growth. You can find out more at ww.telstrabusinesswomensawards.com.

Housing Industry Association awards

MR COE (Ginninderra) (7.05): Last Friday I was pleased to attend the annual Housing Industry Association awards for the ACT and southern New South Wales at the National Convention Centre. The HIA awards are an opportunity to recognise and congratulate excellence in design and construction in the building industry. A number of awards were presented to those who excelled in the housing, kitchen and bathroom, apprentice and host trainer categories.

HIA is the largest residential building organisation in Australia. Nationally the HIA represents over 40,000 people in the building industry including members who are builders, carpenters and joiners, bricklayers, plasterers, tilers, electricians, painters, roofing contractors, kitchen and bathroom specialists and more. The HIA assists its members through advice, training, professional development, advocacy, legal assistance and technical support.

I commend the winners, including home of the year, Alvaro Bros Builders; custom built home of the year, the joint entry from Better Building Services, DNA Architects and Sugar Design; display home of the year, GR8 Construction Group; renovation project of the year, Alvaro Bros Builders; project home of the year, Classic Constructions; townhouse villa of the year, Taylor Knowles Bespoke Building; spec home of the year, Hurst homes; affordable home of the year, Gracious Living Constructions; GreenSmart energy efficiency home of the year, Torres Homes; coastal home of the year, Rettke builders; country home of the year, Alvaro Bros Builders; heritage renovation project of the year, Alvaro Bros Builders; outdoor living project of the year, Alvaro Bros Builders; residential building designer of the year, DNA Architects; bathroom of the year, Tranquillity Homes; bathroom design of the year, MMM Interiors; kitchen of the year, Flair Cabinets; kitchen design of the year, Department of Design; professional medium builder/renovator of the year, Today's Home and Lifestyle; professional small builder/renovator of the year, Build Professional; HIA outstanding apprentice of the year, Brendan Westcott; host trainer of the year, Tom Magi; and work health and safety of the year, McDonald Jones Homes.

There were a number of other awards presented on the night. I congratulate all the winners of the 2015 awards as well as all those who were nominated for awards. I place on the record my admiration for the work of all the people in the building sector in the ACT.

The building industry is one of the most overregulated industries in the territory and we would do well to do what we can to make it easy to conduct business in the ACT. Not only do builders need to be good at their job, they also need to stay on top of an increasing number of complicated and sometimes excessive rules.

For more information about the work of the HIA I recommend members visit the website at hia.com.au.

Transport—light rail

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) (7.07), in reply: Last night during the adjournment debate I heard Mrs Dunne deliver the so-called views of the majority of Canberrans on light rail. Of course just like every other thing the Canberra Liberals have said this week on light rail, it has been carefully and selectively chosen to back up their negative, backward-looking view on what is needed to deliver a modern transport system for our growing city.

The Canberra Liberals are being disingenuous in their account of Canberrans' views on light rail. Yesterday in this place and again in the media today we have had the Canberra Liberals selectively quoting from feedback that they have sourced and they have even tried to say that the majority of Canberrans are against light rail, based on the self-selecting *Canberra Times* survey done recently. It is simply not true.

As Mr Rattenbury rightly stated yesterday, Mr Coe's media release following the release of the *Canberra Times* survey results headed "Majority against light rail" said:

> The poll shows 52 per cent of Canberrans do not support the ACT government's plan for a light rail from Gungahlin to the city.

Mr Rattenbury was right to highlight that this is a clear example of where the Canberra Liberals use information selectively or distort it in a way that will obviously give readers an inaccurate impression.

The facts, for the benefit of members opposite, are that the *Canberra Times* readers were asked, "Do you think Canberra needs light rail?" In 2014: yes, 42.71 per cent; no, 53.74 per cent. In 2015 this changed dramatically: yes, 48.64 per cent; no, 46.9 per cent. That clearly shows that more people are in favour of light rail than not. Readers were then asked, "Do you support the first stage of light rail as currently proposed?" In 2014: yes, 36.4; no, 58.71. In 2015: 43.87 said yes, an increase from 2014; and no, 52.06, a decrease.

The key point here, as currently proposed, is the terminology. Again Mr Rattenbury rightly pointed out yesterday the question was clearly posed to gauge whether residents would have liked the light rail to go somewhere else in Canberra. But this figure is the only one used by the Canberra Liberals and is disingenuous. As they say, don't let the facts get in the way of a good story.

However I have good news for those Canberrans who were asked the question. Together with the Chief Minister and the minister for transport reform, Mr Rattenbury, I released our plan for the light rail network. In this place yesterday we had Mr No—I am sorry, Mr Coe—say that our light rail plan was lacking detail and all that we had released was a map. If Mr Coe had bothered to look carefully at the light rail network document I released for public comment on Monday—I might add that it has been very well received—he would have noticed that yes on page 11 there is a map but that is only one page of 35 pages. For the benefit of Mr Coe—he can actually familiarise himself with what has been released—I now table the light rail network plan. I present the following paper:

> Light Rail Network—Delivering a modern transport system for a growing city.

He will see that what we have done in the light rail network plan is ask Canberrans where we should go next with light rail, which corridor would people like to see built next, and we have asked Canberrans to consider what benefits and opportunities might be realised through the delivery of an integrated light rail network to the city. We have outlined routes and options and opportunities for our city, matters the Canberra Liberals have no interest in considering because they have no interest in what our city can become, they have no vision and they offer Canberrans nothing but a blank stare and a blank look. Unfortunately I have come to realise that they will continue to selectively use information that only serves themselves.

As I mentioned earlier, Mrs Dunne, in her adjournment speech yesterday, which was designed to convince us that no-one in Canberra wants light rail, went to great lengths to have us believe that. She knows it is not true. I wonder if they would care to read any positive feedback they received in their little postcard campaign. I will not hold my breath.

I provide some balance to Mrs Dunne's speech last night by highlighting some of the positive comments that have been posted on the *Canberra Times* website since Monday. Some of these comments include:

> Rethinking the ACT model to parallel Ottawa's approach, think about a Lake Burley Griffin circuit as the main hub and take a branch line to Queanbeyan.

This was posted by "All for it now". Another is:

> Great initiative. Let's get on with it.

It was posted by Michael. Another is:

> It's nice to see some actual long-term infrastructure planning from a government—any government—in this country. It's what we need.

That was posted by Mr Burns. *(Time expired.)*

Question resolved in the affirmative.

The Assembly adjourned at 7.14 pm until Tuesday, 17 November 2015, at 10 am.

Schedule of amendments

Schedule 1

Health (Patient Privacy) Amendment Bill 2015

Amendments moved by the Minister for Health

1
Clause 2
Page 2, line 3—

omit clause 2, substitute

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

2
Clause 5
Proposed new section 86 (2) (aa)
Page 4, line 5—

insert

(aa) not less than 50m at any point from the approved medical facility; and

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Schedule 2

Health (Patient Privacy) Amendment Bill 2015

Amendment moved by Mr Hanson (Leader of the Opposition)

1
Clause 5
Proposed new section 85 (1), definition of *prohibited behaviour*, paragraph (c)
Page 3, line 18—

omit

Answers to questions

Taxation—rates
(Question No 493)

Mr Smyth asked the Treasurer, upon notice, on 16 September 2015:

(1) For each of the financial years since the Government's tax reforms, provide the actual General Rates revenue collected for each of the respective financial years including (a) actual figures and average rates for the whole of the ACT, (b) actual figures and average rates for Belconnen, Uriarra Village, Gungahlin-Hall, Oaks Estate, Molonglo Valley, North Canberra, Paddy's River, South Canberra, Tuggeranong, Weston Creek, and Woden Valley and (c) actual figures and average rates by suburb.

(2) For each of the respective financial years provide the actual General Rates received from residential payers by the (a) value of revenue collected, (b) number of payers and (c) breakdown by suburb.

(3) For each of the respective financial years provide the actual General Rates received from commercial payers by the (a) value of revenue collected, (b) number of payers and (c) breakdown by suburb.

Mr Barr: The answer to the member's question is as follows:

Table 1 below shows average residential rates and the number of residential properties by suburb in Canberra from 2012-13 to 2015-16. This table also shows the actual residential general rates revenue by suburb from 2012-13 to 2013-14. Actual revenue figures for 2014 15 are not yet available.

Table 2 below shows average commercial rates and the number of commercial properties by suburb in Canberra from 2012-13 to 2015-16. This table also shows the actual commercial general rates revenue by suburb from 2012-13 to 2013-14. Suburbs with fewer than five rates payers have been removed. Actual revenue figures for 2014-15 are not yet available.

(Copies of the tables are available at the Chamber Support Office).

Kangaroos—culls and meat use
(Question No 494)

Ms Lawder asked the Minister for Territory and Municipal Services, upon notice, on 16 September 2015:

(1) Is there any legislation that prohibits the harvesting of kangaroo meat in the ACT; if so, what is that legislation.

(2) What is the percentage of kangaroo meat that was used for fox baiting purposes in 2015.

(3) Will the ACT Government allow kangaroo meat derived from the annual ACT kangaroo cull to be used for private and commercial purposes; if so, when.

(4) How many leaseholders engaged licensed shooters to conduct kangaroo culls in the ACT between September 2013 and September 2015.

Mr Rattenbury: The answer to the member's question is as follows:

(1) The *Nature Conservation Act 2014* (NCA) is the primary legislation for nature conservation and the protection of all native animals. Anyone intending to legally cull kangaroos is required to apply for a licence to kill a native animal and any use of meat or skins (including possession) also requires approval under the NCA.

Under current ACT Government policy, outlined in the Kangaroo Management Plan (2010), kangaroos are culled for either damage mitigation or conservation purposes (ACT Government conservation cull).

Depending on the intended use for the kangaroo meat, compliance with various health and food standards legislation would also be required. In addition, there are licensing requirements for carcass holding, transport and processing facilities.

The modern commercial industry is based on treating kangaroos as a resource to be managed sustainably, rather than as a pest. For example, commercial harvesting in NSW is strictly regulated under a management plan approved by the Commonwealth which satisfies requirements in the *Environment Protection and Biodiversity* and Conservation Act 1999 (EPBC). The EPBC management plan is required for export purposes.

A *Feasibility Study for the Commercial Disposal of Culled Kangaroo Carcasses in the ACT* (Feasibility Study) was tabled in the Legislative Assembly in 2011. The Feasibility Study identified:

- that in addition to investigating legislative and regulatory issues, economic, social, environmental and market issues need to be identified and considered;
- there would be costs to the ACT Government associated with exploring options for an ACT-based commercial operation; and.
- any options would need to be considered in relation to the structure and operation of the existing commercial kangaroo industry.

(2) In 2015, the ACT Government used 8% of the kangaroos culled in the conservation culling program to make baits. This provided enough meat for the ACT Government wild dog and fox control programs.

(3) There are no plans to use kangaroo meat derived from the ACT Government kangaroo conservation cull for private or commercial purposes. The relatively small numbers culled in individual nature reserves each night, and overall annual numbers (usually less than 2,000) are unlikely to make this a feasible proposal. A commercial operation requires a continual and minimum supply to make it economically and practically viable. The Feasibility Study identified a substantially greater number of carcasses are available from culling on rural leases; these could be a consideration for offsetting set-up costs for a commercial operation.

(4) The licensing period for the general season (mixed sex period) for kangaroo culling in the ACT is between 1 March and 31 July each year. Leaseholders are also able to undertake 'male only' culling between 1 August and 31 October each year if the licence applicant has undertaken culling during the general season.

All licensed kangaroo shooters in the ACT are required to hold a Kangaroo Culling Permit. Some leaseholders with a licence to kill kangaroos hold these permits and some engage shooters with the permits. The number of leaseholders with licences to cull kangaroos in the ACT between 2013 and 2015 was/is as follows:

- 2013 general season (March to July): 65
- 2013 male only cull (August to October): 51
- 2014 general season (March to July): 66
- 2014 male only cull (August to October): 55
- 2015 general season (March to July): 81
- 2015 male only cull (August to October): 42

Health—outdoor fitness stations (Question No 495)

Ms Lawder asked the Minister for Territory and Municipal Services, upon notice, on 16 September 2015:

(1) Does the ACT Government collect data on the number of people who use outdoor fitness stations; if so (a) what method does the ACT Government use to collect this data and (b) provide this data listed by location.

(2) What is the amount spent in 2014-2015 on (a) installing and (b) maintaining outdoor fitness stations listed by location.

Mr Rattenbury: The answer to the member's question is as follows:

(1) No.

(2) (a) In 2014-15, the following amounts were spent installing the following fitness stations and surrounding surface treatments. Installation includes costs for consultation, design, construction and superintendence.

- Tuggeranong Town Park $37,352 (ex GST)
- Theodore Oval $31,518 (ex GST)
- John Knight Park $36,026 (ex GST)

(b) Maintenance of fitness equipment is funded as part of the playgrounds inspection and maintenance contract and is not separately costed.

ACTION bus service—patronage (Question No 497)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2015:

(1) What was the patronage and farebox revenue for ACTION services in June 2015.

(2) What was the patronage and revenue by route and by number for ACTION services in June 2015.

Mr Rattenbury: The answer to the member's question is as follows:

(1) The patronage and fare box revenue for the ACTION commuter network (excluding school services) in June 2015 was:

	Patronage	Fare box Revenue
June 2015	1,322,889	$ 1,918,681.38

(2) The patronage and fare box revenue for the ACTION commuter network in June 2015 by route number was:

Route	Patronage	Fare box Revenue
1	26,266	$41,209.22
10	5,847	$7,071.03
11	2,939	$4,240.94
12	9,108	$9,897.63
13	43	$70.47
14	6,427	$6,108.55
15	6,126	$5,872.46
16	10,792	$11,365.49
160	2,772	$5,446.07
161	1,448	$3,036.54
162	2,671	$5,356.57
163	6,218	$12,504.36
164	1,095	$2,265.30
17	13,721	$14,195.62
171	8,882	$17,617.27
18	3,865	$4,025.96
19	5,874	$6,050.73
2	49,162	$68,046.76
200	79,371	$122,626.41
202	2,898	$6,938.05
21	4,019	$3,835.97
22	3,416	$3,344.64
23	5,185	$6,131.01
24	4,336	$4,668.23
25	9,889	$11,035.58
250	19,874	$24,874.19
251	16,234	$31,474.51
252	17,482	$34,442.52
255	14,197	$28,074.08
259	12,574	$24,730.10
26	9,785	$10,646.47
27	10,989	$11,612.66
3	41,134	$60,674.76
30	22,776	$35,734.24
300	79,475	$111,674.41
31	15,130	$23,129.49
313	64,478	$90,520.90
314	32,568	$52,142.96
315	29,775	$46,909.31

318	28,114	$43,680.11
319	32,437	$49,056.87
343	64,974	$92,605.90
39	30,819	$47,835.81
4	27,620	$37,016.94
40	31,786	$44,287.62
43	546	$510.93
44	7,712	$9,906.90
45	1,859	$2,091.69
5	30,953	$42,021.81
51	11,200	$14,057.45
52	9,812	$12,209.51
54	10,510	$14,090.88
55	6,094	$6,633.15
56	17,924	$28,866.03
57	14,642	$22,995.66
58	14,030	$22,100.03
59	2,528	$2,598.76
60	8,419	$9,913.86
61	7,394	$8,681.47
62	8,785	$10,030.79
63	4,758	$5,468.18
64	8,926	$11,635.97
65	14,256	$17,483.86
66	8,434	$10,863.29
67	10,673	$13,487.05
7	27,050	$36,432.49
705	3,212	$6,268.64
71	13,796	$16,703.70
712	4,303	$9,809.11
714	3,274	$7,879.36
717	2,472	$5,716.12
718	2,384	$6,209.15
719	3,116	$7,879.39
720	2,518	$6,396.51
725	1,841	$4,724.58
726	1,496	$3,832.17
732	2,236	$5,759.57
743	5,467	$13,166.18
744	3,037	$7,484.16
749	3,132	$5,816.44
765	2,570	$6,334.33
767	2,584	$6,261.35
775	1,666	$4,450.16
783	559	$1,535.66
791	3,518	$5,639.09
792	4,017	$7,048.33
8	7,539	$12,471.43
80	10,447	$17,230.94
81	373	$598.36
83	4,090	$4,795.07

88	629	$673.77
9	4,606	$5,800.57
900	39,754	$46,714.51
902	1,214	$1,228.88
903	1,977	$2,269.19
904	1,525	$1,845.57
905	2,147	$2,558.73
906	1,650	$1,858.31
907	1,828	$1,852.93
909	747	$916.95
910	1,004	$1,009.08
918	1,079	$1,225.10
919	1,199	$1,319.04
921	282	$222.07
922	295	$226.04
923	376	$418.79
924	369	$328.20
925	1,121	$1,139.62
926	962	$981.34
927	1,287	$1,119.61
932	5,905	$7,536.00
934	5,148	$6,396.31
935	1,892	$2,618.76
936	2,390	$2,716.44
937	2,252	$2,524.70
938	5,217	$6,798.78
939	3,424	$4,097.85
940	2,583	$3,367.98
950	10,191	$13,421.06
951	1,954	$2,319.60
952	2,011	$2,450.25
954	2,849	$3,543.71
955	949	$1,178.89
956	3,389	$3,692.72
958	3,450	$4,346.76
959	390	$415.88
960	1,228	$1,511.25
961	569	$635.09
962	1,315	$1,365.93
964	623	$712.15
966	630	$733.88
967	566	$667.36
968	427	$522.00
971	1,331	$1,586.07
980	6,606	$8,690.58
981	313	$449.94
982	58	$33.88
983	404	$443.65
988	31	$21.34
Total	**1,322,889**	**$1,918,681.38**

ACTION bus service—buses (Question No 498)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2015:

(1) What is the total number of buses purchased or leased by ACTION which are currently in operation.

(2) How is this total in part (1) broken down by buses emissions standard of (a) Euro I, (b) Euro II, (c) Euro III, (d) Euro IV, (e) Euro V and (f) Euro VI.

Mr Rattenbury: The answer to the member's question is as follows:

(1) The total number of buses purchased or leased by ACTION which are currently in operation is 416.

(2) (a) Euro I or less	140
(b) Euro II	18
(c) Euro III	54
(d) Euro IV	18
(e) Euro V	146
(f) Euro VI	40

Municipal services—Braddon and Civic (Question No 499)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2015:

For (a) Braddon and (b) the CBD, how (i) many rubbish bins are there, (ii) frequently are the bins cleared, (iii) frequently are the streets swept, (iv) frequently are pavements cleaned, (v) many street trees are there and (vi) frequently are street trees pruned.

Mr Rattenbury: The answer to the member's question is as follows:

(a) Braddon

(i) 20

(ii) The bins are emptied on a regular program, typically 2-3 times per week. The bins have different collection days depending on the volume, the accumulation of rubbish and the location.

(iii) In Braddon, Mort Street and Lonsdale Streets are swept every Monday and Friday. Parked cars can limit the area swept.

(iv) In Braddon, Mort Street and Lonsdale Street pavements are blown with back pack blowers every Monday and Friday to coincide with the street sweeping.

(v) 2,033.

(vi) The trees are inspected regularly (typically every 1-2 years) and pruned as required.

(b) CBD

(i) 63

(ii) The bins are emptied on a regular programme typically 2-3 times per week. The bins have different collection days depending on the volume, the accumulation of rubbish and the location.

(iii) Gutters are swept daily. Parked cars can limit the area swept.

(iv) Paved areas are blown with back pack blowers and litter picked daily. During spring, summer and autumn pavements are pressure cleaned and scrubbed according to a scheduled program that focuses on high pedestrian areas. During winter the pavements are pressured cleaned on an as needed basis.

(v) 1,669.

(vi) The trees are inspected regularly (typically every 1-2 years) and pruned as required.

Taxation—rates
(Question No 500)

Mr Coe asked the Treasurer, upon notice, on 17 September 2015:

(1) How much was collected in commercial rates for (a) Braddon and (b) the CBD, in the 2014-2015 financial year.

(2) How much was collected in City Centre Marketing and Improvements Levy for (a) Braddon and (b) the CBD, in the 2014-2015 financial year.

Mr Barr: The answer to the member's question is as follows:

(1) The revenue collected in commercial rates for Braddon and the CBD in the 2014-15 financial year was:

(a)	Braddon	$ 6,421,648.65
(b)	CBD (City)	$29,522,871.58

(2) The revenue collected in City Centre Marketing and Improvements Levy for Braddon and the CBD in the 2014-15 financial year was:

(a)	Braddon	$ 187,105.28
(b)	CBD (City)	$ 1,656,960.27

Capital works—Charnwood
(Question No 501)

Mrs Dunne asked the Minister for Territory and Municipal Services, upon notice, on 22 September 2015:

(1) In relation to the recently upgraded shopping area near the liquor store in upper Tillyard Drive Charnwood (a) how much did this upgrade cost, (b) what consultation occurred with local residents and businesses before this upgrade was done and what was the outcome of the consultations, (c) what was the cost of installing the chairs and tables outside the liquor store, (d) were the chairs and tables made in Australia and what level of usage do these chairs and tables have, (e) what was the cost of installing a sign saying Charnwood Shops and then later taking it down again and (f) was a concrete block installed and then taken down a few weeks later.

(2) In the main Charnwood Shopping Centre (a) has any assessment been done recently on the safety of the footpaths, (b) have there been any recent accidents reported and (c) are there any plans to refurbish the footpaths.

Mr Rattenbury: The answer to the member's question is as follows:

(1) In relation to the recently upgraded shopping area near the liquor store in upper Tillyard Drive Charnwood:

(a) The upgrades cost approximately $522,750.

(b) Consultations were undertaken with leaseholders and business owners during the preliminary design stage in 2013. The preliminary sketch plans were then presented at the shops for community information. Subsequent comments received were incorporated into the design where possible. Prior to the upgrades being undertaken, leaseholders, traders and local residents were notified of the upcoming construction work.

(c) There are no existing tables in the vicinity of the shops and none were installed as part of this upgrade. The cost for the new aluminium bench seats was $8,400. To improve the community space at the shops a sculptural seating element was installed to act as a play prompt for children and to encourage social interaction. The cost of these elements was $14,604.

(d) The aluminium bench seats were designed and made in Australia. The sculptural seating elements were designed and made in Spain. There is no current data on the usage levels of the new seating elements. Usage is expected to increase once the child care facility at the shops is re-established.

(e) The cost for supply and installation of the Charnwood Shops sign, which included a concrete plinth and steel plate lettering, was $10,000.

(f) After the construction of the Charnwood Shop concrete plinth sign a design error was found with its location. The sign had been incorrectly located within the line-of-sight clearance zone for traffic that exits from the car park. For safety reasons the sign had to be removed.

(2) In the main Charnwood Shopping Centre:

(a) Roads ACT has a systematic approach to inspections and repairs to the community path network. The footpaths at Charnwood shops have last been inspected in April 2014 and the next planned inspection is due in early next year. In addition to programmed inspections, all footpath reports through Access Canberra and Fix My Street are also inspected.

(b) One incident of a person falling on the footpath at the Charnwood shops was reported in the last 12 months.

(c) Roads ACT has an ongoing program for the repair and renewal of community paths throughout Canberra. In general, where issues are identified as immediate safety hazards, repairs are promptly completed. Additionally, damaged sections of path which are identified for replacement but represent a less immediate safety concern, are prioritised for inclusion into larger programs of work for efficiency.

Specifically, following a request a number of pavers at Charnwood shops were re-bedded to minimise trip hazards in August 2015.

Children and young people—adoption (Question No 502)

Ms Lawder asked the Minister for Children and Young People, upon notice, on 23 September 2015:

(1) How many local adoption orders were made in the ACT court system in 2014-2015.

(2) How many applications for local adoption orders are currently in the ACT court system.

(3) What are the average waiting times in 2014-2015 for (a) an application for a local adoption to be finalised by the Community Services Directorate, (b) the time between when an application for a local adoption is finalised by the Community Services Directorate and when an application for a local adoption order is lodged with the ACT court system, (c) the time between when an application for a local adoption order is lodged with the ACT court system and when it is allocated a hearing date, (d) the time between when an application for a local adoption order is allocated a hearing date and when a judge makes an adoption order and (e) the total length of time from part (a) to part (d) above.

Mr Gentleman: The answer to the member's question is as follows:

(1) How many local adoption orders were made in the ACT court system in 2014-2015.

There were seven (7) adoption orders made in the ACT in 2014-2015. These exclude intercountry adoptions.

(2) How many applications for local adoption orders are currently in the ACT court system.

As at 2 October 2015, there are two (2) applications for local adoption orders. These do not relate to intercountry adoption orders.

(3) What are the average waiting times in 2014-2015 for

(a) an application for a local adoption to be finalised by the Community Services Directorate

There is an average of ten to twelve weeks for the finalisation of an application for local adoption.

(b) the time between when an application for a local adoption is finalised by the Community Services Directorate and when an application for a local adoption order is lodged with the ACT court system

This data is not collated.

Upon finalisation of the assessment process undertaken by the Community Services Directorate, in the majority of cases, the matter is referred to the Government Solicitor's Office to commence the legal process to dispense with consent. Timeframes can vary considerably depending on individual circumstances.

(c) the time between when an application for a local adoption order is lodged with the ACT court system and when it is allocated a hearing date

As stated by Minister Corbell on 16 September 2015, in 2014-2015 the lodging to listing average time was seven (7) weeks.

(d) the time between when an application for a local adoption order is allocated a hearing date and when a judge makes an adoption order

As stated by Minister Corbell on 16 September 2015, in 2014-2015 the listing to finalisation average time was four (4) weeks.

(e) the total length of time from part (a) to part (d) above

This data is not collated. Due to the complex nature of dispensing with consent, the total length of time from part (a) to part (d) is highly variable and dependent on individual circumstances.

ACT Policing—staffing
(Question No 503)

Mr Hanson asked the Minister for Police and Emergency Services, upon notice, on 23 September 2015:

(1) How many general duties police officers does ACT Policing employ.

(2) Where are these general duties police officers located.

(3) What ranks are general duties police officers deployed at.

(4) How many different ranks of officers are deployed in frontline policing teams, units, general duties and the number of each rank deployed.

(5) How many police officers are assigned to general duties on a daily and weekly basis.

(6) What is the cost of an ACT general duties police officer, probationary constable, constable, senior constable, sergeant and senior sergeant per annum.

(7) How many sworn officers carry firearms while on duty.

Ms Burch: The answer to the member's question is as follows:

(1) Under the 2015-16 Purchase Agreement, ACT Policing are nominally funded for 932 FTE.

Within ACT Policing establishment, there are 643 sworn policing positions which 395 are considered general duties positions as at 30 September 2015.

Throughout the year the actual number of staff within ACT Policing will fluctuate due to movement of new recruits and transfers between ACT Policing and AFP National.

(2) General duties officers are located across the five police stations within the ACT (Tuggeranong, Belconnen, Gungahlin, Woden and City, which includes the Regional Targeting Team and the Watch House) as well as in the Traffic Operations Centre at Belconnen.

(3) General duties officers are deployed at ranks from Constable through to Station Sergeant. This includes Constable, First Constable, Senior Constable, Leading Senior Constable, Sergeant & Station Sergeant.

(4)

Rank	**Number of established general duties policing roles with salary range**	**Number of established roles performing other policing duties within salary range**
Constable First Constable Senior Constable Leading Senior Constable	334	179
Sergeant	55	53
Station Sergeant	6	6
Subtotal	**395**	**238**

*Frontline policing roles include general duties. General duties police are deployed across the five districts in the ACT. Other frontline roles include areas such as traffic and investigations.

Note: In addition to the above ACT Policing also has seven Superintendents and three sworn members in the ACTP Executive.

(5) Police Officers performing duties in the 395 general duties roles, work rotating shift patterns in teams to provide a 24/7 police response capacity 365 days per year. The number of officers on shift on a daily or weekly basis fluctuates based on operational peaks on particular days of the week or other operational priorities at any given time. Rostered teams comprise sufficient staff to meet operational demands plus capacity to cover absences for leave and training.

(6) The following table provides a general overview of the salary ranges that apply to different ranks.

Rank	AFP Band Level	Annual Salary Range
Constable First Constable Senior Constable	2 - 4	$52,397 - $83,554
Leading Senior Constable	5	$83,554 - $90,517
Sergeant	6 - 7	$90,517 - $106,963
Station Sergeant	8	$106,963 - $116,428

(7) In accordance with the AFP Commissioner's Order on Operational Safety (CO3), all sworn police officers must complete an Operational Safety Assessment (OSA) on an annual basis which includes a firearms handling assessment unless they have been granted an approved exemption (e.g. on medical grounds). Sworn police officers within the AFP are personally issued with an official firearm and must carry their firearm while conducting any operational duties.

Government—reminder notices (Question No 504)

Mr Wall asked the Chief Minister, upon notice, on 23 September 2015:

(1) What licenses, registrations, invoices or taxes have printed reminder notices or renewal notices issued.

(2) Who is responsible for printing and issuing these notices in part (1).

(3) Are the notices in part (1) printed and issued by a non-government provider.

(4) How are the service providers selected for those notices not printed and issued by the ACT Government.

(5) What is the value of any contract for services identified in part (4).

Mr Barr: The answer to the member's question is as follows:

The ACT Government does not hold this information in this form. Individual business areas are responsible for providing their own reminders and renewals. Responding to this question is not practical due to the significant diversion of directorate resources that would be required.

Housing ACT—redevelopment (Question No 505)

Mr Coe asked the Minister for Housing, upon notice, on 24 September 2015:

(1) How many times and in what locations has Housing ACT redeveloped public housing properties for sale on the private market.

(2) For each of the redevelopments in part (1), (a) how much was spent on (i) pre-construction works, (ii) construction, (iii) advertising and (iv) other costs, (b) how much did the Government collect in sales revenue, (c) what consultation took place before the decision to redevelop the site for sale on the private market and (d) what is the impact of the development on the public housing renewal program.

Ms Berry: The answer to the member's question is as follows:

(1) There have been four occasions on which Housing ACT has undertaken the redevelopment of public housing properties for sale on the private market. There have been three previously completed redevelopments in Braddon, Turner and Garran and there is one current redevelopment in Deakin.

(2) (a) (i) Pre-construction costs are not available as these functions were carried out under arrangements which also included other projects.

(a) (ii– iv) and (b) Details of the costs and sales proceeds for each redevelopment site:

Site	Construction Costs	Advertising (Agents Fees)	Other Costs (Legal Fees)	Sales Revenue
Braddon	$3.115 million	$0.185 million	$0.017 million	$5.599 million
Turner	$7.289 million	$0.197 million	$0.019 million	$9.943 million
Garran	$4.758 million	$0.211 million	$0.010 million	$6.922 million
Deakin	Final costs are not available as this project is currently under construction			

(c) The consultation undertaken for all of these redevelopments was consistent with the requirements of the ACT Planning and Land Authority for development applications.

(d) There will be no impact from these developments on the Public Housing Renewal Program.

Motor vehicles—registration (Question No 506)

Mr Coe asked the Chief Minister, upon notice, on 24 September 2015:

(1) How many vehicles are registered in the ACT, broken down by vehicle class.

(2) How much revenue has been collected in (a) registration, (b) road rescue fee, (c) road safety contribution, (d) lifetime care and support levy, (e) CTPI regulator levy and (f) compulsory third party insurance, broken down by vehicle class.

Mr Barr: The answer to the member's question is as follows:

As at 30 June 2015, there are 317336 vehicles of all class types registered in the ACT. This is broken down by vehicle class as follows:

Class	Class Description	Count
PCV	Passenger Carrying Vehicle	232385
TRLR	Trailers	39730
GCV	Goods Carrying Vehicle	30111
MB	Motorbike	10941
VVH	Veteran Vintage Historic	1129
1R	Rigid Truck Type 1	936
2R	Rigid Truck Type 2	645
2B	Bus Type 2	433
MI	Motor Implement	309
1B	Bus Type 1	160
PSV	Plant Based Special Purpose Vehicle	122
SP	Short Combination Prime Mover	117
TSV	Truck Based SPV-within axle limits	79
SR	Short Combination Truck	60
MR	Medium Combination Truck	42
OSV	Truck Based SPV-excess axle limits	37
AB	Articulated Bus	35
MCP	Medium Combination Prime Mover	30
MT	Motor Tractor	26
FLMV	Fixed Load Motor Vehicle	9

The answer to part two of the Members question is outlined in the table below which details the revenue collected for each vehicle class in the last financial year.

Class	Registration	Road Rescue	Road Safety	LTCS Levy	TPI	TPI Levy
PCV	$76,295,907.70	$3,879,493.10	$472,507.60	$7,922,395.10	$140,634,551.95	$385,886.00
TRLR	$5,211,552.60	$0.00	$0.00	$0.00	$0.00	$0.00
GCV	$14,847,093.30	$502,579.20	$60,923.70	$1,023,963.20	$970,606.20	$53,357.00
MB	$1,256,558.25	$195,520.10	$23,742.30	$399,657.10	$4,545,234.60	$19,134.00
VVH	$54,902.30	$250.50	$2,294.00	$38,477.80	$72,866.80	$1,132.00
1R	$512,672.30	$15,173.50	$1,809.70	$30,499.60	$29,070.60	$1,429.00
2R	$645,460.20	$10,873.70	$1,295.00	$21,804.40	$20,861.40	$943.00
2B	$300,735.50	$7,016.50	$65.40	$1,110.80	$650.80	$460.00
Ml	$37,787.80	$5,303.50	$631.70	$10,593.90	$10,267.90	$326.00
1B	$80,879.10	$2,720.50	$280.50	$4,597.90	$4,428.90	$169.00
PSV	$23.40	$2,032.60	$252.20	$4,154.70	$4,018.70	$136.00
SP	$534,257.60	$1,899.10	$231.70	$3,904.70	$3,672.70	$232.00
TSV	$22,865.80	$1,272.70	$60.50	$1,011.50	$50,206.90	$83.00
SR	$59,256.10	$942.20	$114.70	$1,945.10	$1,841.10	$104.00
MR	$301,898.40	$701.30	$85.00	$1,445.00	$1,380.00	$65.00
OSV	$30,133.00	$643.00	$72.00	$1,182.80	$1,143.80	$39.00
AB	$17,618.20	$576.50	$1.50	$25.50	-$9.50	$35.00
MCP	$330,478.70	$551.70	$67.50	$1,145.10	$1,073.10	$72.00
MT	$5,103.70	$385.80	$50.50	$858.50	$831.50	$27.00
FLMV	$3,938.40	$131.70	$16.00	$272.00	$5,698.50	$14.00

Note: Compulsory Third Party Insurance (TPI) is not Territory revenue. It is collected at the time of vehicle registration on behalf on TPI providers.

Planning—Northbourne Avenue redevelopment (Question No 507)

Mr Coe asked the Minister for Urban Renewal, upon notice, on 24 September 2015 *(redirected to the Minister for Planning)*:

(1) Regarding the Heritage (Decision about Provisional Registration of the Northbourne Housing Precinct Representative Sample, Dickson and Lyneham) Notice 2015, what structures will remain on (a) Block 41 Section 6, Dickson, (b) Block 1 Section 12, Dickson, (c) Block 4 Section 1, Dickson and (d) Block 8 Section 51, Lyneham.

(2) What portion of these blocks are able to be re-developed for part 1(a) to (d).

Mr Gentleman: The answer to the member's question is as follows:

1. The following buildings are provisionally registered under the Northbourne Housing Precinct:

   a) Block 41, Section 6, Dickson
   The structure to remain is the northern-most Bachelor (Bedsitter) Flat (four storeys), on the corner of Northbourne Avenue and Morphett Street.

   b) Block 1, Section 12, Dickson
   The structures to remain are the four northern-most Garden Flats (Courtyard Houses) (single storey), on the northern-most corner of Karuah Street

   c) Block 4, Section 1, Dickson
   The structure to remain is one Maisonette (three storeys), the block south of the intersection of Dooring Street and Karuah Street;

   d) Block 8, Section 51, Lyneham
   The structures to remain are:

   The northern-most Bachelor (Bedsitter) Flat (four storeys), on Northbourne Avenue, opposite the Bachelor (Bedsitter) Flat on the corner of Northbourne Avenue and Morphett Street.

   One set of Pair Houses (two storeys) and rear access alley as grouped around the second northernmost access alley off De Burgh Street;

   The northernmost Three Storey Flat (Owen Flat) between Owen Crescent and Northbourne Avenue.

2. The remaining portions of these blocks which are outside the provisional registration boundaries are able to be proposed to redevelopment (refer to map at Attachment A) subject to relevant approvals.

   (A copy of the attachment is available at the Chamber Support Office).

Questions without notice taken on notice

Westside village—costs

Mr Barr *(in reply to a question by Mr Coe and a supplementary question by Mr Wall on Wednesday, 16 September 2015)*:

1. The net recurrent cost will depend on a variety of factors including the number of containers occupied, booked events and expenditure on infrastructure, works and services.

2. The ACT Government is finalising the rental arrangements that will apply at Westside. Rental rates for each vendor will be based on container ownership, location of the container and the types of services provided to the container. The rental rates will be per container rather than per square metre.

Transport—parking

Mr Corbell *(in reply to a supplementary question by Mr Wall on Tuesday, 22 September 2015)*: The Capital Metro Agency (CMA) engaged Parsons Brinkerhoff to prepare, document, and submit a draft and final Environmental Impact Statement (EIS) for the first stage of the Capital Metro, based on work completed by the CMA project team in conjunction with relevant ACT Government Directorates. The CMA provided Parsons Brinkerhoff with a final report detailing suitable sites along the alignment for use as construction compounds for inclusion in the EIS project footprint. No specific discussions were had about the closure of the court car park outside of this activity.

Government—land purchases

Mr Barr *(in reply to a question and supplementary questions by Mr Smyth and Mr Coe on Thursday, 24 September 2015)*: The primary purpose of the purchase of Block 24 Section 65 City is to establish a water quality control pond to replace Coranderrk Pond.

This will improve water quality in Lake Burley Griffin as the population in the catchment grows and allows for future re-configuration of Parkes Way.

The Block has been purchased for $4.18 million inclusive of GST.