



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**9 FEBRUARY 2016**

[www.hansard.act.gov.au](http://www.hansard.act.gov.au)

## Tuesday, 9 February 2016

Petitions (Ministerial responses):	
Planning—draft variation 334—petition No 12-15 .....	1
Lottery products—petition No 13-15 .....	3
Standing committees—membership (Statement by Speaker) .....	4
Standing committees—membership .....	4
Education, Training and Youth Affairs—Standing Committee .....	5
Standing committees—establishment .....	5
Justice and Community Safety—Standing Committee .....	12
Justice and Community Safety—Standing Committee .....	13
Government priorities for 2016 (Ministerial statement) .....	13
Paper .....	18
Elective surgery (Ministerial statement) .....	18
Protection of Rights (Services) Legislation Amendment Bill 2015 .....	23
Planning, Building and Environment Legislation Amendment Bill 2015 (No 2) .....	40
Questions without notice:	
Trade unions—CFMEU .....	44
Transport—light rail .....	45
Gaming—casino .....	46
Tourism—direct international flights .....	47
Canberra Olympic Pool .....	50
Schools—children with disabilities .....	51
Ministers—code of conduct .....	52
Transport—light rail .....	53
Auditor-General—engagement of strategic reviewer (Statement by Speaker) .....	57
Assembly on demand (Statement by Speaker) .....	58
Estimates 2015-2016—Select Committee (Statement by Speaker) .....	58
Papers .....	59
Budget review—2015-2016 .....	62
Justice and Community Safety—Standing Committee .....	67
Public Accounts—Standing Committee .....	70
Papers .....	75
Planning and Development Act 2007—variation No 340 to the territory plan .....	75
Papers .....	76
Internet services (Matter of public importance) .....	80
Planning, Building and Environment Legislation Amendment Bill 2015 (No 2) .....	88
Road Transport Legislation Amendment Bill 2015 (No 2) .....	91
Adjournment:	
Centenary of the Returned and Services League .....	95
Legislative Assembly—church service .....	96
Irish language .....	96
Jerrabomberra wetlands .....	98
Mulligans Flat woodland sanctuary .....	98
The Assembly adjourned at 5.10 pm. ....	99
Schedules of amendments:	
Schedule 1: Protection of Rights (Services) Legislation Amendment Bill 2015 .....	100
Schedule 2: Planning, Building and Environment Legislation Amendment Bill 2015 (No. 2) .....	100

**Tuesday, 9 February 2016**

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

## **Petitions**

### **Ministerial responses**

**The Clerk:** The following responses to petitions have been lodged by ministers:

By Mr Gentleman, Minister for Planning and Land Management, dated 12 December 2015, in response to a petition lodged by Mr Doszpot on 22 September 2015 concerning Draft Variation No 334 to the Territory Plan relating to public housing in Red Hill.

By Ms Burch, Minister for Racing and Gaming, dated 19 January 2016, in response to a petition lodged by Mr Wall on 28 October 2015 concerning the sale of lottery products.

The terms of the responses will be recorded in *Hansard*.

### **Planning—draft variation 334—petition No 12-15**

*The response read as follows:*

Thank you for your letter of 22 September 2015 attaching Petition No. 12-15 lodged by Mr Doszpot, MLA on behalf of 548 Australian Capital Territory residents.

The petition brings to the attention of the Assembly the view that the density of housing proposed by the Government through Draft Variation 334 for the Red Hill Public Housing site (DV334) is unacceptable, as is the proposal for 4 and 6 story buildings on it. The petition calls upon the Assembly to request those Ministers responsible for DV334 to redraft it in consultation with the community, based on RZ2 zoning on all boundary areas and RZ3 zoning with a maximum of 3 storeys at the central area of the site, with existing development codes applying to the whole of the residential areas of the site without variation. The petition also calls for a holistic and accurate assessment of impact to roads, traffic, parking, sewerage, water and drainage.

The petition asks for those Ministers responsible for DV334 to redraft it in consultation with the community. There is actually no statutory power for Ministers to draft Territory Plan variations. The planning authority is authorised under *the Planning and Development Act 2007* (the Act) to draft Territory Plan variations on its own initiative or at the request of the Minister.

In respect of consultation, the minimum requirements for public consultation are stipulated in the Act and have already been greatly exceeded in relation to

DV334. Non-statutory pre-consultation took place from July 2014 to April 2015 and statutory public consultation was undertaken in relation to DV334 from 2 July 2015 to 17 August 2015 with an extension of time for submissions to 31 August 2015. Consultation took various forms and included:

- Letters to Red Hill residents advising of proposed zoning changes and times of meetings, Design Workshops and drop-in information sessions;
- Advertisements in the Canberra Times, Chronicle, the *Time To Talk* website and Economic Development website; and
- Presentations to local Community Councils

A total of fifty one (51) written submissions, six form letters and six submissions from community organisations were received from the community during the non-statutory consultation period. Ninety seven (97) written submissions were received during the statutory public consultation period. The majority of these submissions were from individuals (93 submissions). A number of submissions were made by community organisations.

This indicates a significant engagement by the public with the consultation process in relation to DV334 and in my opinion, additional public consultation is not warranted. Also, concerns expressed by the public have been incorporated by way of changes to DV334. These changes included reducing the heights of the buildings near Beagle Street from four to three storeys, and concentrating the taller elements at the centre of the site, around Lady Nelson Park and along Discovery Street, opposite the Red Hill local centre. The height of buildings permitted under DV334 is 'stepped down' towards the edges of the site adjacent to existing residences. There will be another opportunity for the public to comment on any proposed development at the development application stage.

I would now like to address the more specific requests made in the petition.

Firstly, a request is made that the zoning should be based on RZ2 with a maximum of two storeys on all boundary areas and RZ3 with a maximum of 3 storeys at the central area of the site, with existing development codes applying to the whole of the residential areas of the site without variation.

Although the zoning is being changed to RZ5 under DV334, a precinct code is included that limits the height of buildings to a level lower than usually found in RZ5. Under DV334, the maximum height allowed is six storeys with the taller buildings being concentrated at the centre of the site. Any part of a building above four storeys must be setback from the parapet of the 4 storey building. This design feature helps to reduce the bulk and mass of buildings. The precinct code includes a range of site specific measures, including the provision of landscaped areas, and specified setbacks, designed to guide the future redevelopment of the site and to minimise potential impacts on the existing established areas of Red Hill. They will apply along with a full suite of provisions already contained in the relevant Territory Plan codes at the time of a development application. DV334 is not varying any development codes in the Territory Plan.

Secondly, the petition requests the responsible Ministers to provide a holistic and accurate assessment of the impact of the development on roads, traffic, parking, sewerage, water and drainage. Assessments have been done in relation to these

matters and, in my opinion, those assessments are adequate for the Territory Plan variation process. An initial traffic study indicated that generally the surrounding road network has the capacity to manage increased traffic generated by the proposed development. As a result of comments received about this study, an additional traffic study was undertaken. The results of the additional traffic study correlated with the original traffic study. DV334 was reviewed by all the relevant ACT Government agencies and service providers including ActewAGL and Icon Water. There were no specific objections or issues raised in relation to infrastructure servicing for the site as part of the proposed rezoning.

DV334 is part of the Government's public housing renewal program. The Red Hill Public Housing Precinct is one of the multi-unit public housing properties identified for replacement under the program. The residences were built for a growing public service more than 50 years ago and they no longer meet the needs of today's public housing tenants. This is particularly the case for people with a disability, ageing tenants or tenants with children. At 6.6 hectares, the site is of a size and proportion to accommodate higher density residential development. The site represents approximately 1.5 per cent of the Red Hill suburb, and is centrally located close to employment, transport and services.

DV334 is consistent with the ACT Planning Strategy, and the redevelopment of the Red Hill housing precinct is included in the ACT Planning Strategy as a short term action. It will provide more cost effective and sustainable living options by improving the existing housing stock and establishing more choice in housing types. It will also help to create a more compact, efficient city through urban intensification. Increasing housing diversity allows people to live in dwellings that are better suited to their needs, without having to move out of their neighbourhood. It also brings new people/families into the area, further regenerating the suburb.

I appreciate the concerns raised through this petition, and I trust that the planning and land authority has demonstrated to the citizens of the Australian Capital Territory that the concerns of the public, and the probable impacts of a development of this nature, have been carefully considered in the drafting of DV334.

### **Lottery products—petition No 13-15**

*The response read as follows:*

The government acknowledges concerns about the wellbeing of our small business community following the announcement that NSW Lotteries is expanding its sales network to include selected fuel outlets in the ACT.

The Government has moved to ensure the increased availability of lottery products does not place the ACT community at a greater risk of harm from problem gambling. The ACT Gambling and Racing Commission have introduced restrictions on the sales hours of lottery products to ensure they are not available after certain times. The Commission will also continue to monitor the sale of these products at retail fuel outlets to ensure all legislative requirements are upheld.

As Minister for Racing and Gaming I also sought, and received, assurances that NSW Lotteries will not seek to expand its sales network into large ACT supermarkets until at least 31 March 2018. This assurance is in line with the terms of the NSW Memorandum of Understanding signed between NSW Lotteries and the NSW Government, and is an important protection measure for existing ACT lottery outlets, the majority of which are small businesses.

A Private Members Bill was introduced to the Legislative Assembly by Mr Wall MLA in September 2015 seeking to exclude larger businesses (in addition to other entities) from being lottery outlets in the ACT. As part of the bill's debate, while acknowledging the good intentions behind the bill, the Government believed that it would not deliver on its intended purpose of restricting the sale of lottery products to small business operators. Significant amendments are required to the bill before it can be brought forward for further consideration.

## **Standing committees—membership**

### **Statement by Speaker**

**MADAM SPEAKER:** Pursuant to standing order 223, the government whip at the time, Dr Bourke, wrote to me advising proposed changes to the membership of certain Assembly committees, and I agreed to those changes on 21 January 2016. They are as follows:

Dr Bourke and Ms Fitzharris be discharged from the Standing Committee on Health, Ageing, Community and Social Services and Ms Burch and Ms Porter be appointed in their places.

Dr Bourke be discharged from the Standing Committee on Justice and Community Safety and Ms Burch be appointed in his place.

Dr Bourke and Ms Fitzharris be discharged from the Standing Committee on Planning, Environment and Territory and Municipal Services and Ms Burch and Ms Porter be appointed in their places.

Ms Fitzharris be discharged from the Standing Committee on Public Accounts and Ms Burch be appointed in her place.

For the information of members I present the following paper:

Standing Committees—Membership—Proposed changes—Copy of letter to the Speaker from the Government Whip, dated 21 January 2016.

## **Standing committees—membership**

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

That the changes to the membership of general purpose standing committees as proposed to and agreed by the Speaker pursuant to standing order 223 be adopted.

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

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

That Ms Fitzharris be discharged from the Standing Committee on Education, Training and Youth Affairs and Ms Burch be appointed in her place.

## **Standing committees—establishment Amendment to resolution**

**MR GENTLEMAN** (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (10.05), by leave: I move:

That the resolution of the Assembly of 27 November 2012 that establishes the general purpose standing committees of the Assembly be amended by inserting the following new sub-paragraphs:

- (4)(a)(iv) the Deputy Chair shall be an Opposition Member;
- (4)(b)(iv) the Deputy Chair shall be an Opposition Member;
- (4)(c)(iv) the Deputy Chair shall be a Government Member;
- (4)(d)(iv) the Deputy Chair shall be an Opposition Member;
- (4)(e)(iv) the Deputy Chair shall be a Government Member.

The committee system provides an important mechanism to double-check the work that the Assembly does, along with providing a way in which the community can have input into the Assembly through inquiries and hearings. Having a balanced and functioning set of committees is crucial to the functioning of the Assembly. If this cannot be done through the convention, it has to be done through the standing orders, for the benefit of the ACT community.

This motion sets the side of the chamber from which both the chair and deputy chair must come. This means that these positions are shared between political parties in an even way. This has been done through the convention during the Eighth Assembly until now, and it would have been preferable for this convention to continue. However, it is obvious that this is not able to occur due to a lack of cooperation.

This disruption by the opposition amounts to nothing more than a continued personal attack which is vindictive and deplorable. It shows the immaturity of those on the other side of this chamber. We on this side of the chamber want to allow the Assembly to continue its functions to serve the ACT community to the best of its ability. Clearly, that is not the goal of the opposition. The opposition need to be cooperative through this process. As I said, this clears the convention that has been accepted during this Assembly and previous Assemblies.

**MR HANSON** (Molonglo—Leader of the Opposition) (10.07): Madam Speaker, firstly the convention has not been accepted because we actually moved that the committees be three-member committees, not four-member committees, and if those opposite had acknowledged the problems that would be caused by moving to four-member committees, which is inconsistent with the Latimer House principles, we would not be in this place that we are in today. But let me make it very clear that the concern I articulated publicly is not, now that we have four-member committees, the fact that there should be a government chair and opposition deputy chair or vice versa. It is simply with an individual holding that position.

The reality is that we all are elected to this place and we have positions to fulfil, be it in the executive, as parliamentarians on the backbench or as members of committees. But who actually chairs and who is a deputy chair of those committees reflects on all of us in the Assembly. It is a decision that we need to make about the standards of this place. And we must have confidence in members of those committees whom we select as chairs and whom we select as deputy chairs and believe that they have the confidence of the community.

I note that the Chief Minister has not served on committees but, for his edification, the job of chair and, in their absence, particularly deputy chair requires the trust and the cooperation of the other committee members regardless of their political affiliation. I have served as a committee chair and I have served on committees with both Labor chairs and Greens chairs and deputy chairs in both the last Assembly and this Assembly. I have no issue with who is on committees—and there needs to be a balance—but my very firm view, and that of my colleagues, is that Ms Burch should not be elevated to the position of chair or deputy chair.

This is about taking the committee system and appointments in this Assembly seriously. I note that this government takes positions of the executive, I would hope, seriously and has made the decision to remove Ms Burch from the executive. I do not think that it is a good thing to say that a member is not fit to serve in the executive but is then fit to serve as a committee chair. Committee chairs hold a position of responsibility. They have significant responsibilities to this Assembly and to the community and their responsibilities should not be taken lightly.

There are three issues at play that lead me to this conclusion. The first is that there is a police investigation into allegations regarding Ms Burch's former chief of staff, and that investigation is ongoing. The second is that we are aware, based on what the Chief Minister and the Deputy Chief Minister have said, of further investigations of serious matters in Ms Burch's office that apparently are unprecedented and are serious. We have not been advised what they are. The third issue is the litany of maladministration that has led not only us in this place but a significant number of people in the community, including the Education Union, clearly the Chief Police Officer, school communities and so on, to have a loss of confidence in Ms Burch.

I go to some detail on these points. A police investigation into allegations regarding Ms Burch's former chief of staff is ongoing. We do not know the full details of that but, based on reports in the *Canberra Times* on Saturday by the staff member under



investigation, they have said that they are not answering questions being put to them by the police. I will not comment on the detail of that investigation. That is being litigated. We are waiting for the result.

But let me quote from the ministerial code of conduct. It says at 3e:

Ministers are accountable for their own behaviour and the decisions and actions of their staff.

So you cannot separate what has been going on by the member, by Ms Burch. There is a direct link. That is not me saying that; that is in the ministerial code of conduct issued by the Chief Minister to his ministers.

I also quote from Mr Stanhope when he was the opposition leader. During a debate in this place on a motion of no confidence in Mrs Carnell, this is what Jon Stanhope had to say:

But, in terms of the extent of ministerial responsibility, if responsibility for the actions of a statutory authority is at one end of the spectrum, surely responsibility for the actions of the Minister's personal staff is at the closer end of the spectrum, the very sharp end. Her office is entirely her direct and personal responsibility.

Let me say that again:

Her office is entirely her direct and personal responsibility.

That is Jon Stanhope's view, and now we know what happened back in history with those various motions and what they led to. But Jon Stanhope, a Labor leader, Chief Minister for 10 years, makes that point.

Given what the ministerial code of conduct lays out, given the comments of a previous Chief Minister, Jon Stanhope, it is clear that appointing Ms Burch to a position of authority in this Assembly while the investigation into her former chief of staff is ongoing would be reckless, absolutely reckless. This matter needs to be resolved one way or the other. I make no judgement. But it needs to be resolved because, as Jon Stanhope said and as the ministerial code of conduct makes clear, you cannot separate the member from their staff when these sorts of matters are being investigated.

The second concern is that when these events blew up in December last year Mr Barr and Mr Corbell advised the media that there were other serious matters at play. I quote from the ABC on 18 December. This is Mr Corbell who gets to speak. This is from the ABC:

The chief of staff, Maria Hawthorne, tendered her resignation on Tuesday after revelations she allegedly briefed ... (CFMEU) secretary Dean Hall about a ministerial meeting with Mr Lammers.

Today Mr Corbell said Mr Lammers had taken his concerns about Ms Hawthorne's conduct directly to the Chief Minister, which led to the resignations.

However, Mr Corbell acknowledged that an investigation into Ms Burch's office goes beyond what has been reported.

"What occurred over the last couple of days was quite unprecedented," he said.

"These are serious, serious issues, and they go beyond the issues that have been reported in the media to date.

"This is not about a member of a minister's staff relaying to a stakeholder that their concerns had been raised ... these matters go beyond that.

"The reporting we've seen over the past 48 hours is not telling the full story, and the reason for that is that the police evaluation is ongoing."

On 16 December Mr Barr made similar comments. I quote from the ABC again:

"In light of the circumstances surrounding the Police Minister's office, and in consultation with the Police Minister ... it was appropriate not only for the Minister's chief of staff to resign, but for the minister also to resign," he said.

Mr Barr said the matter went further than the alleged CFMEU briefing.

"This goes to broader issues in relation to the police portfolio," he said.

"I need to stress it relates to matters beyond the specific issue that was aired in the Fairfax media a day or two ago in relation to an information request from the CFMEU."

Until such time as the Assembly is advised of what these issues are and is satisfied that they have been resolved, it would be reckless to appoint her to a position of authority.

If you, Madam Speaker, were employing any staff, if you had responsibility in any organisation and you were looking to appoint someone to a senior position of management within that organisation, knowing that they had had to stand down because of serious matters that were unresolved, that were unprecedented, but you were not being told what they were and you still hired that person anyway, then you would be negligent in your duty. You would be negligent in your responsibility. That is what we are being asked to do in this place today.

A cloud now hangs over Ms Burch's head, because the Chief Minister and the Deputy Chief Minister have said there are serious and other unprecedented issues. They have not told anybody what they are, but they have said, "Yes, but she should be a committee chair. She is not fit to be a minister; it is appropriate that she stand aside as a minister. She can be a committee chair but we are not going to tell you what these serious unprecedented other issues are." Yes, this Assembly should say, "Forget all about that," and have Ms Burch as a committee chair. It is extraordinary what we are being asked to do in relation to the committee system in this Assembly.

The final issue is the loss of confidence that we have had in Ms Burch in this place, the long list of issues that have come before us. I will not reiterate them. This is not an opportunity to do this, and I am not here to reiterate those issues, other than to say that they did lead to a significant loss of confidence by us and also by members of the community. The Chief Police Officer has had to go over her head to the Chief Minister. The Australian Education Union lost confidence in Ms Burch. Members of the community, members of the clubs sector—a range of community stakeholders—have expressed their concern. If the Chief Minister and his colleagues do not have confidence in Ms Burch to be a minister, and that is evident looking at this frontbench today, why is it that this Assembly, given all the unresolved matters, should have confidence to put her in a position where she presides over a committee?

I think my argument is reasonable. I think that we need to have these matters resolved. I think we need to understand what the serious unprecedented other issues are before we can make an informed decision. And this goes to what sort of place we expect this Assembly to be. There will always be a jostle; there will always be a debate; there will always be cut and thrust in politics. We accept that. That is the nature of Westminster democracy. But as parliamentarians, we have a standard to uphold. We have community expectations to meet. And we have to decide here and now what sort of parliament we expect to be, what sorts of standards we are going to accept.

What the opposition is saying is that when these matters, as they are, are ongoing and unresolved, it is inappropriate. Just as Jon Stanhope iterated, just as the ministerial code of conduct makes clear, it would be inappropriate to have Ms Burch put into a position of authority in the Assembly.

I have circulated an amendment to that effect. We need to make sure that we uphold the standards of the Assembly. I ask that when committees meet, when positions are resolved, you acknowledge the issues at play. There are Labor members that can be committee chairs and deputies. This is not about that. I have served, sat on committees, with Dr Bourke, with Ms Porter, with others in this room, and they have had my respect. They have had my respect in those positions, and they have had the community's respect. Let us uphold that respect. Let us uphold that dignity. Let us uphold the standards of this place.

I move the amendment circulated in my name:

Add the following:

(1) That this Assembly notes that:

- (a) a police investigation into allegations regarding Ms Burch's former chief of staff is ongoing;
- (b) on 18 December 2015, the Deputy Chief Minister advised the ABC of a further matter that went beyond the police investigation. Mr Corbell stated that:
  - (i) "What occurred over the last couple of days was quite unprecedented.";

- (ii) “These are serious, serious issues, and they go beyond the issues that have been reported in the media to date.”; and
- (iii) “This is not about a member of a minister’s staff relaying to a stakeholder that their concerns had been raised ... these matters go beyond that.”; and
- (2) that this Assembly resolves that Ms Burch not be appointed as Chair or Deputy Chair of any Assembly Committee until such time that:
  - (a) police investigations into Ms Burch’s former staff are resolved; and
  - (b) the “serious, serious issues” that go beyond the investigation into her former staff are advised to the Assembly and are resolved.

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.21): The government will not be supporting Mr Hanson’s amendment. It is incorrect in fact. Let us be very clear, Madam Speaker, that at no point has Ms Burch been the subject of a police evaluation, investigation or inquiry. That fundamental truth has escaped you in your role as Speaker. It has escaped many opposite in terms of their public statements and things they have said in this place this morning. That record needs to be crystal clear: at no point has Joy Burch been the subject of any police investigation.

*Members interjecting—*

**MADAM SPEAKER:** Order, members! Mr Hanson was heard in silence.

**MR BARR:** And the assertions, Madam Speaker, in your correspondence to Ms Burch that suggests that she needs to be exonerated, are a fundamental misstatement.

**MADAM SPEAKER:** Could you sit down, please, Mr Barr. My actions are not subject to debate in this motion. This is a motion about the constitution of committees, and Mr Hanson’s amendment to Mr Gentleman’s motion. Could you stick to the subject matter of the motion and the amendment.

**MR BARR:** Thank you, Madam Speaker. As I said, the government will not be supporting this amendment. There is a code of conduct.

*Mr Doszpot interjecting—*

**MADAM SPEAKER:** Mr Doszpot, I have asked you to listen to Mr Barr in silence.

**MR BARR:** Members have a code of conduct. Ministers have a code of conduct. They are different, for obvious reasons, because of the differences of responsibilities that go with being a member of the executive, as opposed to simply being a member of this place.

The government will not be supporting this amendment. We support the position that non-executive members of this place should be able to serve on the Assembly's committees. Labor has two non-executive members, and they will both serve on committees, in some instances as the chair, in others as the deputy chair, and in other circumstances as members of the committee. There is no reason why Ms Burch cannot serve in the committee system in this place. We have 17 members. If the suggestion is that one non-executive Labor member will be simultaneously chair, deputy chair and member of all committees, that is a ridiculous proposition.

We know what this is about: one last, bitter, personal attempt by those opposite—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, I will have to start warning people. Mr Hanson was heard in silence. I expect Mr Barr to be heard in silence.

**MR BARR:** And it reflects on the sort of people, the sort of behaviour and standards, personal attacks—

*Mr Hanson interjecting—*

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

**MR BARR:** Personal attacks that are the hallmark of this Leader of the Opposition and this sort of petty vindictiveness about the committee system have no place in this Assembly. The basis of the committee system is some hope that members can put aside their partisan political battles from day to day and work constructively on matters that are referred to committees.

What is clear from what we have seen this morning is that in this election year, no matter what the personal cost, no matter how petty, no matter how vindictive, there is no minute political point the opposition leader will not seek to score in debates like this. And that demonstrates much about his character, the sort of person he is, the sort of party he leads. The fact that his members privately reflect their concern at this approach and have approached members on our side to express their concern about this approach speaks volumes about just how wrong, how poor and how petty this is today. But it is what we have come to expect.

It is sad but it does reflect a new low for this place. And that is the most disappointing element here. Disregarding all of the facts, there is no political point he is not prepared to take, no point-scoring exercise he is not prepared to go into, when his members privately express their concern about this approach. What you are doing today is a disgrace, and the government will have no part of it.

**MR RATTENBURY** (Molonglo) (10.27): I will not be supporting Mr Hanson's amendment today. I think that this is an overreach. This is clearly a political approach to the situation. The tradition of committees in this place, and the very nature of them, is that members go onto those committees and work on the issues. There is always a

lot of politics involved but the nature of it is that members contribute to the committees in a range of forms. I see no reason why Ms Burch cannot contribute to those committees as effectively as any other member of this place.

Clearly, there are matters that members of the opposition have concerns about. There are matters that all of us are looking to see some of the answers on. But there is no reason in my mind why Ms Burch cannot make those contributions on those committees, just as other members of this place do. There are certainly members of some of the committees that I have reservations about. That does not mean I do not believe they should be on those committees.

It is, I think, a clearly political attack. It is designed to further seek to drag Ms Burch through the mud. I think that it is entirely inappropriate to make the suggestion that she cannot contribute to the committees, and on that basis I will not be supporting Mr Hanson's amendment today.

Question put:

That **Mr Hanson's** amendment be agreed to.

The Assembly voted—

Ayes 7

Noes 8

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson

Mrs Jones  
Mr Smyth  
Mr Wall

Mr Barr  
Ms Berry  
Dr Bourke  
Mr Corbell

Ms Fitzharris  
Mr Gentleman  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

Motion agreed to.

## **Justice and Community Safety—Standing Committee Scrutiny report 40**

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

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 40, dated 2 February 2016, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT:** Scrutiny report 40 contains the committee's comments on eight bills, 18 pieces of subordinate legislation, four government responses, one Speaker response and proposed government amendments to the Planning, Building and Environment Legislation Amendment Bill 2015 (No 2). The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Justice and Community Safety—Standing Committee Report 6**

**MR DOSZPOT** (Molonglo) (10.31): I present the following report:

Justice and Community Safety—Standing Committee—Report 6—Inquiry into Annual and Financial Reports 2014-2015, dated 8 December 2015, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Question resolved in the affirmative.

## **Government priorities for 2016 Ministerial statement**

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.32): A little over a year ago in my first speech as Chief Minister I outlined to the Assembly the agenda and policy priorities for my government. I set out a plan for Canberra to be a community where our children receive a world-class education and have the opportunity to study at top-ranked universities or vocational training institutes; where everyone can access high quality health care to participate in our active lifestyle, to stay healthier for longer; where our economy is diverse, resilient and generating secure well-paid jobs; where our public transport network is convenient, reliable, affordable and fully integrated; where our community is inclusive, supportive, safe and welcoming for everyone; and where we remain the most livable city in the world.

Madam Speaker, as our city grows it keeps on getting better. It is now a more nationally and internationally engaged city, one that is innovative, exciting and unique, a city at the forefront of a digital revolution; a city where we shape technology to benefit people, to make our lives easier, more productive and more creative. We work every day to make sure Canberra just keeps getting better—that the Canberra of tomorrow will be even stronger than the Canberra of today.

Over the past year we have taken great strides forward. For the first time we will have capital-to-capital international flights with Canberra at the centre of an express route from Singapore to Wellington. We will never build a strong and growing economy and create jobs simply by selling to ourselves. These direct flights are a fundamental game changer for our engagement with the fastest growing region in the world. And it was only possible because this Labor government saw the opportunity, and did the hard work over a number of years, to make a compelling case to one of the world's best airlines. Singapore Airlines has agreed that this city, that Canberra, is a great place to do business.

We are investing in public transport. We will have a light rail network delivered by some of the world's best companies moving thousands of Canberrans rapidly around the city every day, bypassing the interminable traffic jams facing other cities. Other major centres are recognising the undeniable benefits—from the Gold Coast, parts of Sydney and Newcastle. We cannot be left behind while other cities do what needs to be done to keep their residents moving.

Madam Speaker, we were the first jurisdiction in Australia to regulate ride sharing with new entrants delivering immediate cost and convenience benefits for people moving around our city. We are shaping the way our city grows to reflect our contemporary community—how and where people want to live. Canberra is undergoing essential urban renewal to improve our productivity, our livability and our economic competitiveness. We are creating jobs beyond the public service in construction, specialist services, start-ups, health care and knowledge economy sectors such as ICT, renewable energy and open data.

We are no longer solely reliant on the commonwealth or as susceptible as we have been in the past to savage cuts. Over the past two years we faced the toughest external economic environment in a generation. But this government's efforts to support growth and to support jobs is why we have managed to turn the corner and rise from sixth to third amongst all Australian jurisdictions in economic performance in just one year. Economic growth in 2014-15 was double the rate of the year before and 3,300 new jobs were created. We are standing on our own feet as an independent economy with a strong and dynamic business sector.

Yesterday the health minister, the assistant health minister, the minister for small business and I turned the first sod on the start of a new teaching hospital on the University of Canberra campus. This means more beds for our health system while teaching the next generation of health professionals, many of whom were born and raised in Canberra. They will now have the opportunity to pursue their vocation in health while staying right here in our city.

We are taking Canberra's public schools, which are already providing a great education for our children, and making them a transformational experience in each child's life. We are abolishing bad taxes. Insurance tax will be completely gone by 1 July this year. Canberrans' insurance bills are lower than they would otherwise be and that is on every insurance policy. That is on every insurance policy they have, because we are wiping out this bad tax.

We will continue to cut stamp duty. Stamp duty costs people tens of thousands of dollars every time they move. We are giving thousands of that back and will keep on doing so. For young families our policy makes it easier to move into a house with more room. Older Canberrans whose kids are moving out or starting families of their own are able to downsize while staying in their community. Lower stamp duty means you can more easily choose the house that is right for you for your time of life.

We have done the heavy lifting on tax reform to ensure that our revenue base is stable and that we are able to provide the world-class services that Canberrans deserve. Only



on the weekend the Prime Minister acknowledged the importance of removing taxes on insurance and removing stamp duty by saying, "Taxes on transactions like sales of property obviously inhibit trade. They slow down economic activity. Everyone understands that." Well, everyone except the shadow treasurer here in the ACT, it would seem.

In 2016 we will continue as a government to invest in the infrastructure that we need to keep Canberra such an amazing place to live, to work and to raise a family. Hospital upgrades to improve access in the emergency department and so you can have elective surgery when you need it; new schools in growing regions like Coombs in the Molonglo Valley and Taylor in north Gungahlin; a revitalised grand entrance to our city that will support the development of our CBD; investment in a modern transport network that makes the bus or light rail a genuine and easy alternative to driving, coupled with a roads program that caters to our growing community and a bike and path network that is the envy of other cities.

The rollout of the CBR free wi-fi network in all town centres, which will be completed by the middle of the year, is simply a community and economic necessity for a city of our size and ambition in this the second decade of the 21st century. We are rolling out an upgraded wi-fi network in all of our public schools so that our kids are the best connected in the country, and we are undertaking the biggest upgrade to Canberra's ageing public housing in the history of self-government through the construction of almost 1,300 new houses. This is keeping our construction industry workers in jobs and providing our public housing tenants with efficient and modern residences. My government has a clear agenda and a plan to deliver it. We are getting on with the job of making Canberra even better.

I am pleased to welcome Ministers Fitzharris and Bourke to the cabinet. That their enthusiasm, their drive, their determination and fresh ideas started delivering for Canberrans from day one of their appointments is evident. I have specifically tasked Minister Fitzharris to oversee the establishment of our single transport agency, transport Canberra, to ensure our public transport, roads, parking, bike and footpath networks are integrated, reliable and convenient for users. That means that a single ticketing system, a central contact for information and coordinated timetabling are all part of our transport future.

Minister Fitzharris will also assist the health minister to deliver the government's significant reform agenda to ensure that our municipal services deliver what residents need and that in the higher education, training and research portfolios we ensure that we play to our city's strengths as a smart and innovative city.

I have asked Minister Bourke to oversee a range of important portfolio responsibilities. The children and young people portfolio and the disability portfolio have major projects at critical stages of implementation, and both are essential to ensure Canberra remains an inclusive and supportive community. He will also work alongside our Aboriginal and Torres Strait Islander community to realise our collective vision of strong families.

Minister Bourke will also drive the small business reforms set out in our business strategy “Confident and business ready: building on our strengths”, including the small business innovation partnership program, so that Canberra’s small businesses can compete with the world. Our two new ministers are joining a hardworking and experienced ministry which is absolutely committed to making Canberra even better, every day.

My ministry is focused on delivering what Canberrans need: a health system that delivers services when and where people need them; an education system that allows every child to reach their potential; business development that creates new jobs; a transport network that moves everyone around quick and easily; municipal services that keep our garden city clean and beautiful; community services that allow everyone to be valued and contributing members of our society; a 100 per cent renewable energy target that is showing the world how to transition into a renewable age; and; safety initiatives to reduce the trauma on our roads and drive down the cost of driving. That is what Canberrans want and that is what this ministry will continue to deliver in 2016.

I also want to acknowledge again the contribution as a minister of Joy Burch. The people of Canberra, particularly children and those living with a disability, were always her first consideration as a minister. Her significant achievements include the new Tuggeranong CIT campus, the successful delivery of the first stages of the NDIS here in the ACT, and establishing literacy and numeracy testing for our teachers as part of a teacher quality agenda.

In 2016 the government will bring forward a strong and focused legislative program through the year to help deliver our vision for Canberra. Over this fortnight we will debate legislation already before the Assembly to make our justice system fairer and more effective; to further strengthen our human rights protection framework; to protect workers’ rights; and to make our public sector more efficient and responsive to the community. The legislation we will bring forward in these sittings and throughout the year will put the needs of Canberrans first.

I have made it clear in this place before and I reiterate again today: we will not be introducing legislation for the sake of it. Our work here in developing and passing laws must be to make Canberra better. In this sitting period Minister Corbell will introduce legislation to create a new, fairer and more supportive scheme to assist victims of crime. Minister Fitzharris will fulfil an election commitment to create more smoke-free public spaces and events. Minister Rattenbury will bring forward practical legislative amendments at these sittings to make our city’s roads safer.

In future sitting weeks I will bring forward a comprehensive red tape reduction package that will further remove unnecessary costs and requirements on business, and make government more efficient. The focus of this red tape reduction package is on practical measures to let businesses strengthen their operations, to expand their services and to employ more people—not to waste time dealing with the bureaucracy. This will build on the great work of Access Canberra in bringing together customer service and regulatory agencies to make things easier, simpler and faster.

Similarly, Minister Gentleman is developing a package of legislative amendments to the territory plan variation and development assessment processes that will result in significantly cutting red tape holding up worthy developments and stymieing construction jobs growth.

Minister Corbell and Minister Berry are continuing to lead work across government in reducing the scourge of domestic violence in our community. An upcoming Domestic and Family Violence Bill will strengthen support and protections for victims and give police new tools to prevent and stop violence in the home. Our response in this area is continuing on numerous fronts—from working nationally through women’s safety ministers to helping service providers working on the ground, day in and day out.

Minister Berry is also leading the government’s social inclusion goals, particularly focusing on refugee groups who have been so important to the city’s fabric and for whom we have again just this week expressed our support. Minister Berry will also be working with those Canberrans in need of housing support or other community services; working and focusing on the great diversity of people in our local LGBTIQ communities; and at harnessing the amazing power of sport to cross boundaries, to foster inclusion and to build our community.

As we have previously agreed with the commonwealth, we will be bringing forward legislative components to implement a national injury insurance scheme for catastrophically injured workers by 1 July 2016. This will extend the ACT’s lifetime care and support scheme to provide for the ongoing treatment and care of eligible participants for their lifetime.

We are commencing community consultation on the role of an oversight body to respond to the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse. Under these proposed changes, an oversight body will receive all cases of reportable conduct and have the necessary oversight and investigation powers to deal with any allegations against people who provide services involving children. This is an important step that we can take to stamp out institutional abuse of children here. I want to thank ACT Australian Local Hero, Damian De Marco, for his advocacy for children in this area.

I also look forward to debates in this place this year on what we want Canberra to be and what Canberrans value. Our well-informed and engaged community expects this place, their elected members, to be involved in the wider social and economic issues facing our nation, to make sure that Canberrans’ voices are heard whether that be the debate on marriage equality, debates on an Australian head of state, debate on penalty rates for low-paid workers, on tax reform and perhaps most importantly the issues facing the nation now on an appropriate level of federal health and education funding.

Canberrans want to know that their government and their Assembly are working for them and debating the issues that they want to know about. Let me say this, Madam Speaker: every member of this government will happily debate and vote on these important issues. Our position will be crystal clear. My government has a long-term plan for Canberra and we have got the experience, the passion and the commitment to deliver that plan to make sure that Canberra keeps getting better.

I present the following paper:

Government priorities for 2016—Ministerial statement, 9 February 2016.

I move:

That the Assembly take note of the paper

Question resolved in the affirmative.

## **Paper**

**Mr Barr** presented the following paper:

Key Legislation Priorities for 2016, February 2016.

## **Elective surgery Ministerial statement**

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.50): Madam Speaker, in November last year I directed ACT Health to conduct a blitz on the long wait surgery list. The government provided an additional \$11.8 million for a further 1,000 elective surgery operations directly targeting patients who were on the long wait surgery list in the ACT. When I made that announcement there were more than 1,200 current long wait elective surgery patients in the ACT, the majority of whom were waiting for orthopaedic, urology, and ear, nose and throat surgeries.

Through the hard work of surgeons, anaesthetists, surgical nurses, ACT Health employees, our surgical task force and many, many others, I am delighted to inform the Assembly that more than 250 procedures have already been completed above the usual surgical activity levels. This is excellent news for more than 250 people starting 2016 who have been waiting on that long wait list who have now had their elective surgery completed in the public system. This progress is expected to continue and we remain well on track to complete the thousand surgeries by the middle of this year.

But, of course, this is not about the number of surgeries undertaken; it is about people. It is about people in our community who require surgical care to improve their health and wellbeing. Over the last 13 years there has been a 70 per cent increase in access to elective surgery for people on our public hospital waiting lists, despite the ABS estimating that our population grew by only 19 per cent.

To further illustrate the point, in the first full year of government in 2002-03, the ACT Labor government provided 7,661 elective surgery procedures, but this financial year there will be more than 13,000 procedures undertaken. As a government, Labor has continually invested in tackling elective surgery waits, including through the most recent budget that saw almost \$15 million invested for more surgeries and operations over two years to provide in particular for an extra 500 elective surgeries and an additional 500 endoscopy cases.

Elective surgery is a major challenge to the government and, indeed, governments right across the nation. We are not unique and we all know that the pressures and challenges on our health system are only going to increase over the next decade. Our location means we also have a responsibility as a tertiary centre to care for residents of our neighbouring regions in New South Wales, who have their most serious and complex surgeries undertaken in ACT hospitals.

Demand for elective surgery services in ACT public hospitals by New South Wales residents is at 30 per cent of the total wait list. This figure is above the general demand for ACT public hospital services required by New South Wales residents, which is closer to 20 per cent. In addition, we have an ageing population; we have a growing population; we have a demographic with more complex conditions. But what we also have is a federal Liberal government who, as it stands today, is planning to rip \$57 billion out of health funding nationally, including up to \$600 million here in the ACT over the next decade.

This \$600 million cut by the federal Liberal government would provide an extra 58,000 elective surgeries alone. That is how significant this devastating cut by the Turnbull Liberal government is and how detrimental it is to our health system.

We are facing uncertain times in relation to our funding. But we also know that, as a government, we have to get on with the job and do our best to improve access to care, particularly in areas like elective surgery. That is why I have announced the latest blitz, which will see a significant improvement for patients on the long wait list. And it is also why the government has a plan for elective surgery more broadly, not just for the next six months but for the coming years.

As I reported to the Assembly earlier, we have already undertaken more than 250 additional procedures to remove people from that long wait elective surgery list, including through additional orthopaedic and vascular surgery cases. Our early success has been in addition to cooperation and willingness by our medical staff, but also through improved processes, especially in relation to theatre utilisation.

The government recognised an opportunity to capitalise on the December-January period, traditionally a quieter time for our public hospitals, to allow for extra access to our operating theatres. As a result, we have already been able to: engage locum doctors where there are gaps, such as in ear, nose and throat procedures; extend operating theatre hours and make more sessions available, including on weekends; appoint an experienced nurse who is acting as the program manager from the territory-wide surgical services team to facilitate and monitor progress and activity; increase the auditing of waiting lists to make sure they are as accurate as possible; and identify and procure additional equipment as part of the funding made available.

But this blitz is only part of the solution. As health minister, I want to make sure that solutions are sustainable for the long term and see people receive care in the clinically recommended time frames. Whilst we will not achieve this outcome overnight, there are a broad range of measures that will make achieving these targets very viable. We have already started to implement a whole suite of measures to maintain these existing levels of activity and see people receive the surgery they need in the long term and to receive it in the time that they need to receive it in.

This is about making sure that this blitz is not a one-off; it is a part of a sustainable, long-term reform to improve timeliness in the delivery of elective surgery. These measures will not only benefit long wait patients; they will benefit all patients requiring elective surgery. These long-term improvements include: process and surgery utilisation improvements at our two public hospitals; partnering with the private sector and with interstate facilities; the further recruitment of specialist staff; and capitalising on innovation in technology and on new care changes and requirements.

Turning to improved surgery utilisation through process change, there are a range of initiatives that we will build on to improve our access to theatres and change how we allocate and triage surgery. Following the blitz there will be an ongoing process that continually improves theatre allocations in a flexible way which will allow quick responses to changing demand patterns for surgery. A key part of the surgery utilisation improvement is the central waiting list service that has now been established. This service involves a team of nurses and support staff who receive all surgery requests. The requests are coordinated through this single team who then allocate patients to hospitals to improve access to surgery in the two public hospitals. This newly established service will continue to improve access for patients and flowthrough for doctors.

The government is absolutely aware that it is not as simple as just changing times and sessions for surgeons. Most of our surgeons already have busy private practices in addition to their public work, and any changes need to take this into consideration.

Turning to the role of our two public hospitals, members would be aware that there are two public hospitals that provide elective surgery to public patients in the ACT. Both public hospitals are finalising their lists for the next five months to ensure that any unallocated theatre sessions can now be allocated to provide additional surgery services. More work will also be done in the coming months to establish a more integrated approach to the delivery of elective surgery across both ACT public hospitals by looking at total capacity, total allocation and, of course, efficiency.

The government provided more than \$12 million to Cavalry hospital in the 2015-16 budget, including \$5.6 million for a refurbishment and new equipment for operating theatres. Following its completion in 2018 the new University of Canberra public hospital—which I was very pleased to join with the Chief Minister, my ministerial colleagues and the Vice-Chancellor of the University of Canberra yesterday to see work commence on—will also play a part in supporting patients post surgery. It will be a hospital designed to focus entirely on subacute health care. These are services which aim to improve patient mobility and functioning, often after surgery or other acute hospital admission.

Having a hospital without the intense acute areas of surgery, an emergency department or an intensive care unit makes the focus about treating people in a facility specifically designed for rehabilitation and prevention. By focusing on new and expanded subacute services, the University of Canberra public hospital will help to alleviate pressure on acute facilities such as Canberra and Calvary.

Turning to private hospital utilisation, private hospitals will also continue to be an integral partner to address and improve elective surgery times. We will continue to work with our private hospitals in the ACT to support our efforts with these facilities. The government wants to continue to work to see better partnerships with the private sector that make best use of available services and capacity.

We already have a relationship and agreement with Calvary John James which is already now performing public surgeries on behalf of ACT Health. The efforts over past years in relation to additional services, new ways of looking at services and the initiative to establish a partnership with Calvary John James is an example of where we can use our workforce to deliver improved outcomes for patients and provide our surgical workforce with additional capacity.

In addition to local private hospitals, ACT Health already has in place agreements with other hospitals in the region. In March last year I announced a new partnership which will provide local surgical services for New South Wales patients who are currently on the ACT waiting list. The arrangement between ACT Health and the southern New South Wales local health service provides for some low risk elective surgeries for New South Wales based patients to be performed in Queanbeyan and Bega hospitals instead of in the ACT.

There is considerable potential for expanding this approach through further enhancements to services in the region by building the human infrastructure in regional hospitals, such as the doctors and nurses needed, to not only provide additional surgery but also manage the care of patients while they are in hospital recovering from their surgery.

The ACT will be developing a more integrated regional approach that further improves the capacity of public hospitals in the area surrounding the ACT to increase access to surgery, increase the capacity of the regional public hospital system and reduce the number of New South Wales residents requiring surgery in ACT public hospitals.

Let me turn to the issue of recruitment. Without the tireless efforts of our surgical and anaesthetic workforce we do not have an elective surgery service. We will be looking at our workforce planning further to ensure that we have the staff necessary to maintain a high quality service into the future across all clinical areas, including surgeons, anaesthetists, nurses, allied health staff and the staff who support these essential services. For example, we know that demand for orthopaedic surgery and ear, nose and throat surgery has been growing at a rate faster than for most other specialties, and there have also been significant increases in urology surgery, with demand for some urology surgery services doubling over the last four to five years. The government will be mindful of the need to recruit additional skilled doctors, other clinicians and support staff in the right areas to meet the growing demands for care.

As with all industries, when it comes to health care there are constantly new technologies being developed, and we need to stay abreast of these and understand

how they can assist us not only in relation to elective surgery delivery but across the board. We must also be aware of the changing care requirements with a focus on evidence-based medicine. For example, it is important to assess alternatives to surgery that either negate the need for surgery or extend the time before people need it.

In a small number of areas, there are new ways of managing conditions that mean that there are medical options for care rather than surgical ones. ACT Health will be undertaking more research in this area and working with our surgical services task force to look at more areas where non-surgical interventions are safe, successful, and better for the healthcare consumer. They will also investigate service responses that can delay the need for surgery by providing more effective interventions.

The directorate is also developing new approaches that ensure that patients who do need surgery are as well as possible prior to their surgical episode. There are already examples in the ACT of initiatives that provide patients with physical regimes that maximise their fitness for surgery and therefore maximise their recovery from surgery. For example in orthopaedics, we have physiotherapists who work with people who need hip and knee surgery to first determine whether physiotherapy may be a better short or long-term option as well as provide patients with information on how to prepare for surgery and maximise their rehabilitation afterwards. As minister, I want to see a wider provision of services like this one that focus on patient needs before and after surgery that maximise outcomes and improve efficiency of our elective surgery services.

In conclusion, improving access to services, particularly elective surgery, is one of my key priorities as minister. The success of this new approach to managing elective surgery will not be achieved in isolation. We will need to continue to bring together our surgeons, anaesthetists, nurses and administrators to establish this more integrated and seamless elective surgery model.

The government has increased the number of doctors and nurses to support additional elective surgery services and we have built and extended operating suites at the Canberra Hospital to manage increasing demand and through an additional operating theatre at Calvary public. We will get the long wait lists down as part of this blitz, but I know that there is significant work to be done to maintain it. I am confident that through a multipronged approach involving partners, relationships with clinicians and innovative processes and procedures, we will, over time, improve how patients access elective surgery.

This government remains committed to improving quality and timely access to care for all Canberrans, regardless of their financial means. I look forward to providing further reports to the Assembly on the results of this work later in the year. I present a copy of the statement, and move:

That the Assembly take note of the paper.

Question resolved in the affirmative.



## **Protection of Rights (Services) Legislation Amendment Bill 2015**

Debate resumed from 19 November 2015, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.08): The Canberra Liberals will be moving that this bill be put to committee. Significant concerns have been raised by members of the community and members of various rights organisations who are directly or indirectly affected by these changes, and if the government does not support this being referred to the JACS committee, we will be unable to support this legislation.

The intent of these changes is to implement a new model for the commissioners from the Human Rights Commission, the Public Advocate, the Victims of Crime Commissioner and the Public Trustee, all very important organisations, with somewhat connected roles but also, in many ways, very different roles, requiring them to be quite separate in terms of the people they represent and the service they provide to those that they represent.

The stated objectives of this new framework are that it would be more cohesive and unified for agencies, it would improve accountability and governance and it would be more efficient and effective. I question all of that, as have many in the community, but I fear that the “more efficient” tag of saving resources may be the ultimate driver for this, as opposed to the other elements stated.

Yesterday at short notice we received some amendments on this legislation that would affect the amendments to the victims of crimes complaints, as I understand, in the human rights commissioner area. We have not had time to consult on these amendments in any great detail; we only got them yesterday. It indicates the way this is being put together. It is not a good way to be doing legislation. We need to consider this more formally in committee. If we have a situation where the government are amending their own bill at the midnight hour, it probably suggests that they have not got it right. This is an important change. We need to make sure that we bring the community with us, not divide them, as is currently the case. We have seen amendments affecting the Victims of Crime Commissioner; there may be other good amendments that could improve this bill, make it more workable and bring all of those agencies and the people that they support with the government rather than being divided.

There are a range of concerns that have been raised in the submissions and in my conversations with people who have been affected by these changes and people who are engaged in the various organisations and bodies. There is certainly an increased expectation from the government. We want to make sure that these bodies, where possible, remain separate from government in providing their role, not that they become more enmeshed in government. That seems to be the effect of what will happen.

I think we are going to see the singular human rights commissioner and the balance of power between the commissioners changing so that more power is vested in a single individual rather than, as it is now, spread amongst the existing three commissioners. This has an impact on the separate roles they perform but also on the competition for resources that all of them face. We need to make sure that each of the commissioners has autonomy in their various areas. That will be diminished. We are concerned that the independent roles of the commissioners will be lost in these changes. And there is concern about conflict of interest.

Going to some of the specifics, let me go to the health commissioner's role. This is one that I am intimately aware of. It is such an important role in our health system. There are many times when constituents come to me with concerns about the health system. My first response is, "Have you gone to the Health Services Commissioner? Have you spoken through that chain? They do a good job, they look at the issues and they deal with it." It is only when the systems, as they are, break down that, generally speaking, I seek to get involved.

Concerns have been raised about what will happen. Darlene Cox, who is the Executive Director of the Health Care Consumers Association and who is well respected across Canberra as an advocate, a voice, for consumers within our health system, does not support the changes. She has made a number of comments, and I will quote from some of those. She said, "Last year we made a submission to the government in response to their discussion paper. We supported the intent of the proposal in seeking to increase the number of staff for complaints processing and improve the timeliness of the process is important for consumers. At the time we had concerns around the perceived or actual conflict of interest of the proposed arrangement; were of the view that it is essential that the public needs to have identifiable commissioners with named titles; and that it compromised the independence of the commission as there appears to be increased emphasis on government expectations. We still hold those concerns. We are disappointed that the government's response to the community feedback did not specifically address the three main issues that all stakeholders raised regarding conflict of interest, independence from government and keeping the designated titles of the commissioners. We are also surprised that the positions of commissioners were advertised recently without the legislation passed."

That is pretty extraordinary. The government have not got the agreement of the Assembly for these changes but they have already gone out and started the process of advertising.

There are two concerns with this. One is the unbridled arrogance of this government in doing that. It is extraordinary to start executing the changes before you get legislative agreement to do so from the Assembly. Secondly, what an invidious position this has put the existing commissioners in. They have basically said, "We are going to sack you. You had better be good boys and girls because we are coming for you. We are going to make a decision about whether you get your jobs back or not." What a disgraceful way to conduct business—quite outrageous. If I were one of those commissioners in a position where I wanted to speak in a fearless manner to

government and they had just advertised my job without the legislative framework to do so being agreed by the Assembly, I would be pretty annoyed. It is ironic that this is meant to be about human rights but the government is behaving in such an arrogant manner, to basically drive changes and advertise positions which do not even have legislative approval.

There are concerns that have been litigated about the Public Trustee and the public guardian role. Members will be aware that the Public Trustee's office manages finance for people who cannot manage their own, appointed by the courts. It is still dealing with the aftermath of fraud, uncovered in 2014, of two former staff and two contractors accused of stealing \$1.65 million from clients. We have a situation where that organisation is going to increase its growth, increase in power and authority. The one organisation that is subject to internal fraud seems to be the biggest winner out of all of this. That has raised some eyebrows, it is reasonable to say, Madam Deputy Speaker.

The role of guardian is a different one—as the manager of last resort when people cannot make their own decisions. They make medical, housing and other life decisions for people and represent people with a disability at tribunal hearings on guardianship applications. A former head of the guardians unit, Heather McGregor, has described it as a “travesty”, with potential for exploitation and abuse of Canberra's most vulnerable people. These are real, live concerns that have been raised by people who are at the front line, who have experience in these matters. The guardians unit says that the merger shows a profound misunderstanding of the role of guardians and that the two offices should be “aggressively separated”.

A range of submissions were received by the government, and the bulk opposed what the government was intending to do. There were 43 submissions as well as representations made during stakeholder forums by the commissioners, agency staff, legal and community organisations and the general community. About two-thirds of the written submissions were concerned about these changes.

Some of these concerns included the tensions within the commission in relation to the allocation of resources; the complicated decision-making processes; difficulties for clients and legal representatives accessing complaints services because of inconsistent processes; and so on.

We find ourselves in a position where the government said, “Look, we are going to make some changes,” but then ignored a whole range of concerns that have been raised until the midnight hour, when we saw some amendments coming forward that we have not had a chance to discuss. There are significant issues being raised publicly and privately by people. And then the government has taken the extraordinary step of already starting the recruitment process before it has been put through the Assembly.

This is all in the mix on such an important area that has such important responsibilities. There are those of us who have worked with the Victims of Crime Commissioner, the Health Services Commissioner and the other bodies. The first two are two that I have worked closely with because of my shadow portfolios, but I know that the other organisations involved have an equally important function, often quite contrary to and disparate from the other elements of the human rights framework.

We cannot support this legislation as tabled because of those concerns. There are improvements that can be made. Clearly the government agrees with that, because it has amended its own legislation, as I said, at the midnight hour.

Let us not be in a rush. I do not see what the rush is. Let us get it right. Let us make sure that the Assembly—which has a committee to look at these sorts of things, which can do so in a methodical way, which can listen to some of those concerns first hand—through the JACS committee, can examine it. We have two members of the Liberal Party and two members of the Labor Party. We know that. That committee can report back to the Assembly and we can make a considered decision.

The failure to do so would mean that the opposition would be unable to support this legislation. We are not resistant to change; we are not resistant to improvement. It is just clear from what we have heard from those affected that the government has got it wrong. Let us get it right. Pursuant to standing order 174, I move:

That the Protection of Rights (Services) Legislation Amendment Bill 2015 be referred to the Standing Committee on Justice and Community Safety for inquiry and report.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.21): On the motion, Madam Deputy Speaker, the government will not support this proposed referral today. If the opposition were genuine about the need for such a referral, I would have expected normal courtesies to have been extended and for the Leader of the Opposition to have approached me as the responsible minister to put the case to me that he was going to move such a referral on the floor this morning.

This is the first time the government has heard of this proposition. It speaks to the fact that the opposition are simply unprepared to debate the substance of this bill. They have had quite a reasonable period of time over the past two to three months to get their head around the detail and the specifics of the proposals that are before the Assembly today, but instead we have this last-minute repechage to refer matters to the committee for some form of inquiry for a period of time that would appear to be uncertain. The fact is that many of the matters—indeed, most of the matters—that Mr Hanson refers to for his justification for referral have already been addressed by the government. They have already been addressed by the government.

**Mr Smyth**: What? The resignation of the three guardians?

**MR CORBELL**: That is just factually false, Mr Smyth; you might want to go and check that.

Mr Hanson cites concerns about nomenclature, about the titles of commissioners. Those matters have been addressed in the bill that is before this place. The commissioners have titles and they have allocation for specific portfolio areas across the broad range of community health service and other service delivery that is

important to the community sector and to stakeholders in our city. The government has responded to that concern already. Perhaps Mr Hanson should have looked at the revised proposal that came out before this bill was introduced, which was in direct response to that earlier consultation that he cites as a reason to refer to committee.

Further, some of the other concerns are quite overstated. Let me turn particularly to the issue around the role of the Public Trustee as public trustee and guardian. First of all, I will not have any besmirching of the reputation, role or function of the Public Trustee in this place. Further, I will not accept assertions that in some respects the Public Trustee is some arm of executive government. The Public Trustee is an independent statutory office holder who exercises their functions at arm's length from government and with a high level of diligence and probity.

It is the case that there has been a serious fraud committed inside the Public Trustee's office. People have been charged with offences, and they are currently before the courts. This fraud was detected as a result of the Public Trustee's own processes and procedures. It points to a Public Trustee that is continuously vigilant about the need to detect irregularities or fraud inside its office when it comes to the management of public funds. I trust the justice process will run its course in determining whether or not those charged with those fraud offences are the people responsible.

I note the conversation and debate publicly about the merging of public trustee and public guardian functions in the office of a new public trustee and guardian. But the merging of these two functions makes perfect sense. The Public Trustee currently manages the financial affairs of people who are vulnerable and unable to manage those affairs themselves. They are required to manage those affairs in the best interests of the person. Public guardians are required to manage the life affairs of the person other than financial matters because they are vulnerable and unable to do so themselves. Public guardians are also required to make decisions on behalf of that person in the best interests of that person. There is no proposal to require one individual to manage both the financial and the public guardian functions for a person. There is no proposal to do that. It is misplaced to suggest otherwise.

It is also worth mentioning that under this bill the Human Rights Commission will have an enhanced audit function of the Public Trustee when it comes to the administration of vulnerable people's financial affairs. There will also be protections through the role of the Civil and Administrative Tribunal, which makes the orders for the Public Trustee and public guardian to perform their function. It is simply wrong to assert that there has been some watering down or compromising of independence or of the capacity of a public guardian or a public trustee to act in the best interests of a vulnerable person.

There will still be a public guardian; there will still be a public trustee. They will still perform the statutory powers they perform now to protect the interests of vulnerable people in our community who are unable to make those decisions for themselves. What will change is that we will not have this proliferation of small independent offices, all with significant management overheads that detract from spending taxpayers' dollars on front-line rights protection. That is what this bill is fundamentally about. It is about saying, "As a small jurisdiction, why do we seek to

sustain a large number of small—in fact, tiny—individual offices, all with significant management overheads, when we could consolidate some of those functions into larger administrative arrangements that see less management overhead and more dollars going to front-line rights protection?”

Members would recall in this place that the commissioners of the Human Rights Commission have consistently, over a number of years, asserted in their annual reports to this place the need for additional resourcing for rights protection. The government agrees, and in a time of fiscal restraint we have identified a way of achieving this that sees more dollars available for front-line rights protection and less being spent on large management overheads that are a consequence of trying to sustain multiple small, individual statutory offices. That is what this bill is fundamentally about.

I am sorry that Mr Hanson has not read the detail of the bill. I am sorry that he has not caught up with the government’s response to consultation that has now been ongoing for nearly six to nine months. But that is not a reason to refer this bill to committee today. The government will not support the referral; it is time to get on with implementing a better system for rights protection here in the ACT.

**MR RATTENBURY** (Molonglo) (11.30): The ACT’s statutory office holders play a vitally important function. The Greens have always supported and valued them, and we want their offices to be well resourced, efficient, independent and able to perform their roles to the highest standard. The bill we are considering today will impact several of the ACT’s statutory office holders. It makes changes to the administrative structures of the Human Rights Commission, the Public Trustee, the Victims of Crime Commissioner and the Public Advocate and public guardian.

In his introduction speech Minister Corbell detailed the changes proposed to statutory office holders’ governance arrangements and structures. They are also set out clearly in the explanatory statement, so I will not go through them all again today. But I will address a few specific points.

A primary concern in looking at the proposed new arrangements is whether they would impede the statutory office holders’ ability to do their job, to be independent and to access adequate resourcing. Primarily I looked at the legislation and asked questions of the government through this framework.

The changes do not constitute a loss of resourcing. This is not an efficiency restructure designed to save the government money at the expense of services. As the Attorney-General said when introducing the bill, the reforms are about strategically improving the capacity of these offices to deliver accessible and coordinated services. The reality is that the ACT has several small, separate rights bodies, and there is potentially a lot to be gained in terms of efficiency and the freeing of resources for more important tasks if they are appropriately consolidated.

There is no loss of independence for these important office holders. The new model establishes a president of the Human Rights Commission who will take overall leadership of and responsibility for the operation, strategic direction and governance

of the Human Rights Commission. Commissioners will retain their existing titles and roles. This will, I think, enhance accountability and governance in the commission, centralising complaints under a consistent process, simplifying the interface with the public and centralising organisational and reporting responsibilities in the commission.

I note that originally the government had suggested using a regulation to set out the portfolio responsibilities of the commissioners. The executive would have had the final decision on the scope of the functions and outputs of the commission. I am pleased this has been removed. I think stakeholders were right in their feedback that such an approach challenged the independence of the commission. The revised approach set out in the bill requires the commission to work in a collegiate fashion with the Justice and Community Safety Directorate, the responsible directorate for the purposes of the legislation.

Section 18A of the bill requires the new president of the Human Rights Commission to develop a governance and corporate support protocol between JACS and the commission every three years. The protocol sets out several details about the operation of the commission over the next three years, including how JACS and the commission will work together, a strategic plan for the three-year period, processes for allocating funding within the commission, a budget for each commissioner, performance criteria to be met by the commission, financial and performance reporting and processes for requesting funding.

This is an approach that balances the commission's independence with the need to maximise governance, accountability and transparency in government entities. The protocol is similar to the obligations set out for commonwealth entities in the Public Governance, Performance and Accountability Act, which also apply to the Australian Human Rights Commission. The purpose of these kinds of arrangements is to ensure high standards of governance, accountability, performance, use of resources and the like.

Removing the aspect of the bill that meant the executive would regulate the commission's portfolio responsibilities was a good move and one that came about through the government's consultation process. A consultant initially undertook a review of the statutory office holders. This led the government to propose changes, which it released for consultation. Based on submissions and feedback from stakeholders, further changes were made to the proposals, addressing several of the stakeholders' concerns.

It has not necessarily been an easy process and I am aware that not all stakeholders agree on what is the ideal model to structure these organisations. I acknowledge their high level of interest and care and commitment to their roles and their desire to see the best possible outcome for their organisations. I have listened to their feedback closely and considered the options carefully. In the end, it is necessary to make a decision about the structure to go forward and not everyone will think it is perfect.

I am supportive of the bill's proposal to transfer the functions of the Victims of Crime Commissioner to the Human Rights Commission. As the current commissioner said of the proposal, it presents an opportunity to improve service delivery to victims of

crime by recognising that victims' interests are tantamount to human rights. The services of the Victims of Crime Commissioner and the other commissioners will, by necessity, remain somewhat separate, but there are administrative efficiencies and benefits of collocating them in the same agency.

I will take this opportunity to address a slightly broader issue and one that I have raised before. I think we in the ACT should be looking at a model whereby the human rights commissioners and also the environment commissioner are officers of the parliament—that is, rather than being connected with the JACS Directorate or the Environment and Planning Directorate, in the case of the environment commissioner, they are independent officers of the Legislative Assembly, appointed by the Speaker in consultation with the leaders of the parties elected to the Assembly and on advice from the public accounts committee.

The key defining factors of officers of the parliament or of the Assembly, as we would call them, is that their governance arrangements are based on a relationship with the parliament rather than with executive government. This is the case already in the ACT for the Auditor-General, our three electoral commissioners and the Ombudsman. This structure, achieved through the passing of the Officers of the Assembly Legislation Amendment Act 2013, was a result of the parliamentary agreement the Greens made with the ALP in 2012. Members may remember that I presented that legislation as executive members business and it gained tripartisan support.

If the human rights commissioners and environment commissioner operated under the current arrangements for officers of the Assembly, their budget would be established by the Legislative Assembly in consultation with relevant standing committees and the Speaker. The Treasurer would ultimately decide whether to accept the budget, but would have to justify the decision to the Assembly. Instead of setting out strategic directions in a protocol between the directorate and the commission, as proposed in this legislation, the Human Rights Commission could operate as the Auditor-General does. In the case of the Auditor-General the office sets its directions and policies but the Legislative Assembly carries out a strategic review of the office once each term of the Assembly as determined by the public accounts committee.

Although a proposal to have the human rights and environment commissioners as officers of the Assembly might seem unfamiliar in the Australian context, it is a model that is used in other commonwealth countries. For example, New Zealand's Parliamentary Commissioner for the Environment is an officer of the parliament, as are the human rights commissioners in Northern Ireland, Scotland and South Africa.

While the changes we are debating today are reasonable, I am interested in the structure I have just described—one that clearly separates these commissioners from the executive and emphasises their independence. I have raised this issue before when the committee looked at this issue last term—at that time the administration and procedure committee. The committee did not agree that the human rights commissioners and the environment commissioner should be added at that time. Ultimately, the other ones that I have already spoken of were put into that legislation. There is scope to simply add further commissioners within that existing legislation.



I welcome the comment from Mr Hanson today that these commissioners should be more separate from government than less separate. I think the construct of officers of the parliament provides the perfect opportunity to deliver that. I will discuss this further with members of the Assembly. I think there is an opportunity this term—if members are agreeable—to enable the Human Rights Commission and the Commissioner for the Environment to move into that structure. I will canvass this with other members in an attempt to get support for that opportunity.

The last comment I will make on the bill is that it consolidates the Office of the Public Trustee and public guardian. The Public Trustee will take on the guardianship functions in the Public Advocate Act. The proposal has caused some concern about an apparent conflict of interest. As the guardianship unit within the Public Advocate submitted, the fundamental principles of service delivery and client interaction of the public trustees can be in direct conflict with those of the public guardian service. In particular, they were worried about the perception that care decisions will be driven by financial implications.

My main concern when considering this proposal was to ensure there was no compromise in the care of vulnerable people. I am confident the proposed model offers full and proper protections and does not compromise the ability of public guardians to do the job they need to do. Public guardians will still operate in their discrete role and must do so in accordance with legislated decision-making principles. These protect the interests of the person with impaired decision-making ability.

It is worth noting that decision making by public guardians who can sometimes be a person's guardian as well as the manager of their property does require an understanding of a person's finances. The Guardianship and Management of Property Act specifies, in fact, that a person's financial security and the prevention of the wasting of their resources are interests that guardians are to protect. So already guardians are required to take on board financial considerations as part of their decision making. It is spelt out in the exiting act. Collocation with the Public Trustee is likely to make it easier for public guardians to consider a person's financial circumstances when they are relevant.

I think that combining the offices will make it easier for people who need to access both of these services. This was a point raised by several of the stakeholders who were pleased that there would be a single point of reference for those who need to access both functions, as well as the fact it would allow for a measure of independence and oversight of the functions of the guardians.

Under the proposed model, the Public Advocate will also provide oversight by being able to inspect the books and records of the Public Trustee. I think the Law Society makes a reasonable point in its submission that the combined public trustee and guardianship model should be monitored to ensure it is not at risk of becoming too insular or losing the broader perspective brought by having separate trustee and guardianship services.

I will leave my comments on the substantive bill at that, except to say that I am looking forward to seeing how the restructured commission and agencies operate. I look forward to seeing more of the good and valuable work that they perform.

I will just briefly note that the Attorney-General has circulated some technical amendments which remove the proposal to give the Disability and Community Services Commissioner a complaints handling function in relation to the advocacy work of the Victims of Crime Commissioner. Essentially, this function is removed because complaints about the Victims of Crime Commissioner can be dealt with less formally and a complaints function might disrupt the advocacy ability of the Victims of Crime Commissioner. This is a change that I am satisfied with for now.

However, I am also mindful of the comments that Mr Hanson made this morning and his desire to move this to committee. I will not be supporting that today. I think there has been a long process to bring this bill to this point. There have been extensive discussions. I spoke earlier about some of the consultation processes that have gone on.

I think it is fair to say in an area like this that it does remain contested. There are different views on whether this has landed in exactly the right place. For the reasons I have touched on in my comments, I think there are quite a few positive reforms in this legislation. I think it does make for a better Human Rights Commission. That said, I am mindful that there is that debate out there and that there is not total agreement on what the reforms should be.

I had not understood that Mr Hanson had those complaints until he stood up in the chamber this morning. I think that, rather than defer this bill today, we should proceed. We should bring these positive changes into effect. If members wish to, I would certainly support inserting into this legislation at a later time—we can do it through another bill this year—a review point in this legislation. It is not uncommon to have a legislated review point. Often the period is three or four years down the track. The time frame is something we can discuss. I think it is quite valid for us to put a review point into this legislation given that this is a contested area. I would be happy to talk with my Assembly colleagues about how this might be achieved, but I think we should proceed with this bill today and bring about the positive changes that it proposes.

**MR HANSON** (Molonglo) (11.44), in reply: I am little disappointed that we will not refer this to committee. Mr Corbell's main argument seems to be that he had not thought of that. I guess he wants to rush this through. Mr Rattenbury at least acknowledges that there are some real concerns out there about this legislation which are evident by the fact that the government is rushing through amendments at the last minute to try and patch it up. So Mr Rattenbury and I seem to have a different approach. We seem to have come to a similar conclusion that there are some significant problems. My view is that there is not a great rush, or there should not be. I know the government has advertised the jobs, but that should not have happened.

There are two approaches. There is the Mr Rattenbury approach which is, “Yes, there are problems here. Let’s pass it and see how it clunks along and patch it up later.” Then there is the approach being proposed by the opposition which is to say, “Let’s actually refer it to committee and get it right the first time so that we do not then impose on the human rights organisations, the Victims of Crime Commission, the Public Advocate and the Public Trustee an unworkable or less than satisfactory arrangement.”

I am disappointed that we will not be following through that process. We had a debate earlier extolling the virtues of the committees and the useful purpose that they serve within our Assembly. Now we are going to ignore them and impose on people working out there for the best interests for some of the most vulnerable people in Canberra what, by the admission of Mr Rattenbury, is in part flawed. That is a disappointing way to proceed.

I commend the motion to the Assembly. If it does not get up then certainly we will be continuing to consult with those organisations. I leave open the option that, should we be elected to government later this year, we will review to amend and improve this legislation.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 7

Mr Coe	Mrs Jones
Mr Doszpot	Mr Smyth
Mrs Dunne	Mr Wall
Mr Hanson	

Noes 8

Mr Barr	Ms Fitzharris
Ms Berry	Mr Gentleman
Dr Bourke	Ms Porter
Mr Corbell	Mr Rattenbury

Question so resolved in the negative.

**MADAM DEPUTY SPEAKER:** The question now is that the bill be agreed to in principle.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.50): This bill introduces a new framework for rights protection in the ACT, comprising a restructured Human Rights Commission and a Public Trustee and Guardian office. As I mentioned in my earlier comments, these changes support a more cohesive vision, voice and mechanism for rights protection in the territory. They follow an independent review by the Nous Group, an independent consultant, along with public consultation undertaken by the Justice and Community Safety Directorate.

As I said when I introduced the bill last year, and as I reiterated earlier this morning, the changes in this bill are about better focusing existing resources to meet the needs of the client group and ensuring the most effective delivery of rights assistance and advocacy in a challenging budgetary environment.

The government is working with the statutory office-holders and the staff of the relevant agencies to ensure that internal operational processes and arrangements will also facilitate a smooth transition to the new structure established in this legislation, and to make sure that staff are supported in this time of change and are ready to commence operations in the restructured offices from 1 April this year. This implementation work is being led through a workplace consultative committee comprising the commissioners, staff and JACS directorate officials, with input from the relevant unions, particularly the Community and Public Sector Union.

I will briefly cover the main provisions of the bill and outline minor changes to the policy since November, following the ongoing work with statutory office-holders and staff to plan for the new distribution of functions set out in this bill. These changes will be addressed partly through the amendments that I have circulated, to be dealt with during the detail stage, and also through a second bill that will address outstanding issues and make consequential changes across the statute book to support the new structure.

This second bill, the Protection of Rights (Services) Consequential Amendment Bill, is due to be introduced shortly and will commence at the same time as the existing bill that is before us today—that is, at the beginning of April.

In summary, the protection of rights bill that we are debating today implements a new structure for the Human Rights Commission, including the advocacy functions of the Public Advocate and the Victims of Crime Commissioner. It also establishes a new, expanded office of the Public Trustee and Guardian.

Turning to the provisions of the bill itself, the bill amends the Human Rights Commission to establish these new positions, redistribute functions within the commission and introduce a number of new mechanisms to improve the governance of the commission. The bill amends the objects of the Human Rights Commission Act to reflect that the Public Advocate and the Victims of Crime Commissioner will be members of the commission.

This is a significant change. For the first time we recognise in particular that the rights of victims of crime are also human rights. The bill inserts new definitions of “prescribed service”, being all the different services that the commission provides. It includes, as I mentioned, services for victims of crime.

The bill amends section 12 of the Human Rights Commission Act to provide that the president is a member of the commission and the Human Rights Commissioner, and it also includes the Public Advocate and the Victims of Crime Commissioner as members of the commission.

As individuals can act as multiple members of the commission, individuals will be appointed to multiple commissioner positions within the commission. It is important to note that the government has decided that, because of the nature of changes to the structure, and the policy decision to link specific members of the commission under single appointments, it would be appropriate to commence a full public recruitment process for appointment to the positions.

That recruitment process commenced in December last year, noting that appointments to the newly reconfigured positions are contingent on the passage of the legislation before the Assembly today. The recruitment process is well underway and there has been a strong field of candidates submitting expressions of interest to be appointed to the new statutory offices. The government anticipates that the appointments will be finalised in early March, ahead of the commencement of the new structure.

Consequent on the establishment of the position of president of the commission, a number of the functions that were previously functions of the commission have been transferred to the president. These functions have been relocated to facilitate the effective and efficient leadership of the commission.

The functions of the president are set out in new section 18 of the act, and include managing the administration of the commission; the efficient and effective financial management of the commission's resources; ensuring the commission's functions are exercised in an orderly and prompt way; developing a governance and corporate support protocol in accordance with section 18A; developing a client service charter; developing an operations protocol; and ensuring, as far as practicable, the commission's functions are exercised in a way that takes account of, and is consistent with, the governance and corporate support protocol, the client service charter and the operations protocol.

This provides for greater accountability of the commission's functions, empowers the president to provide agile and flexible leadership of the commission and will reorient the commission to act as a single agency delivering many rights protection services cohesively and consistently.

The intention is to empower the president to drive the work of the commission, reallocating the administrative and managerial tasks from individual commissioners, who will then be able to focus on their core service delivery functions. Other systemic, high level and strategic functions will also be shifted to the president so that the work of the commission has a broader focus and represents the position of the commission as a whole rather than being produced from specific, individual commissioner perspectives. This is exactly the way that the Australian Human Rights Commission currently operates.

The aim is to support commissioners to collaborate across areas of expertise to deliver more coordinated and cohesive systemic work as recommended by the Standing Committee on Public Accounts *Review of Auditor-General's report No. 1 of 2013: Care and protection system*.

The government has prescribed what internal processes must be set out in a formal fashion but has not determined these processes, acknowledging that the commission is best placed to develop internal practices that will work for an expanded commission.

Division 3.2A of the bill establishes simplified, consolidated appointment and delegation provisions that also support the inclusion of the Victims of Crime Commissioner and Public Advocate in the commission. Previously each commissioner position had a separate provision detailing appointment, ending of appointments and delegations.

Under the bill a commission member, including the president, may delegate the member's functions under the act or another territory law to another member or a commission staff member. Although the president has a broad range of functions, it is anticipated that the supporting work for those functions will be progressed in collaboration with the individual commissioners and their teams who have subject matter expertise and linkages to community groups and professional sectors. A broad delegations power in the bill will support this vesting of accountability and responsibility for cross-commission functions in the president while maintaining flexibility across the commission as a whole.

The bill removes responsibility for handling complaints to the Disability and Community Services Commissioner, who will also be the Discrimination Commissioner and the Health Services Commissioner. Clauses 21(1)(ab)(iv) and (v) of the bill had extrapolated new complaints functions in relation to victims of crime and in relation to matters about which the Public Advocate has functions and transferred those to the Disability and Community Services Commissioner for a consistent complaints process across the commission. However, further consultation with the Victims of Crime Commissioner and his staff has indicated that the approach should be changed in order to facilitate the Victims of Crime Commissioner and Public Advocate performing their functions using existing advocacy methods.

These are the reasons for the government amendments that I have circulated. The government amendments will omit these clauses. A formal mechanism for handling victims' complaints will be considered further, but at this time, and with the imminent introduction of the victims financial assistance scheme bill 2016, it has been decided that creating a formal victims complaint mechanism, as opposed to the informal advocacy work that the commissioner does to resolve victims' concerns, would be impractical at this time.

The functions of the Victims of Crime Commissioner of ensuring concerns and complaints about non-compliance with the governing principles are dealt with promptly and effectively will be retained instead in the Victims of Crime Act 1994. Consistent with this, the government will also propose to oppose other amendments in clauses 28, 29, 30 and 31 which supported this move of the victims of crime complaints functions to the Disability and Community Services Commissioner.

The government also proposes to omit the definition of victims of crime service complaint from clause 43 and omit the amendment of schedule 1, part 1.3, clause 1.24 which made amendments to the Victims of Crime Act to shift the function in section 11(d) to the Disability and Community Services Commissioner.

The effect of these amendments is to allow the Victims of Crime Commissioner to handle concerns and complaints from victims of crime in the same way that he currently does. Under the amendments the Disability and Community Services Commissioner will handle children and young people service complaints, disability service complaints and older people service complaints.

The intention is to appoint one person to the role of Disability and Community Services Commissioner, Health Services Commissioner and Discrimination Commissioner so that all complaint functions fall within the responsibility of a single commissioner, allowing complaint processes to be carried out more consistently and efficiently, with less confusion and internal referrals from a client perspective. The Disability and Community Services Commissioner will also exercise functions for older people for the commission.

Clause 21 of the bill inserts new divisions 3.7A and 3.7B, setting out specific functions of the Public Advocate and Victims of Crime Commissioner. Division 3.7A introduces the functions of the Public Advocate within the Commission. The current advocacy-related functions of the Public Advocate reflecting those contained in sections 11 and 12 of the Public Advocate Act 2005, which are repealed by the bill, have been transferred into this division. This includes advocacy for people with disability and children and young people, as well as service oversight and program facilitation for these groups.

The Victims of Crime Commissioner will exercise functions in relation to services for victims of crime and under the Domestic Violence Agencies Act 1986 as the domestic violence project coordinator, the Victims of Crime Act 1994 and the Victims of Crime (Financial Assistance) Act 1983.

The bill includes new processes for conducting meetings of the commission, with the president presiding at these meetings and having a casting vote in case of tied votes on a particular question. The exact matters that go to meetings of the commission are a matter that is required to be set out in the operations protocol.

The bill establishes a new, consolidated position of Public Trustee and Guardian, headed by a Public Trustee and Guardian, who will be a public servant. The bill makes provision for the appointment of multiple deputy public trustees and guardians.

In addition to the Public Trustee's existing functions, new division 3.3 vests the Public Trustee and Guardian with the guardianship functions from the Public Advocate Act, including acting in the capacity of a guardian or manager of last resort for a person with impaired decision-making capacity when appointed by the Civil and Administrative Tribunal. That office will be responsible for representing people with a disability at hearings before the ACAT in relation to guardianship applications and promoting community discussion, and providing community education and information about the functions of the ACAT under the Guardianship and Management of Property Act.

The government is aware of concerns that have been raised that bringing guardianship and financial management functions into the same office results in a perception of conflict of interest. While the government understands this concern, we do not agree with it. There are clear links between the decisions made for a person by guardians and managers who must promote the wishes and interests of their clients. This includes consideration of personal protection, lifestyle, community involvement and financial interests—within the constraints of the person's means and in consultation with a person's carers or other people with an interest in the protection of the person.

The decision making is guided by the decision-making principles of section 4 of the Guardianship and Management of Property Act 1991. Therefore the Public Trustee and Guardian, headed by a Public Trustee and Guardian, provides a more accessible service and brings a wider perspective and range of skills to the protection of the best interests of clients.

Madam Speaker, I commend the bill to the Assembly. (*Time expired.*)

Question put:

That the bill be agreed to in principle.

The Assembly voted—

Ayes 8

Noes 7

Mr Barr	Ms Fitzharris	Mr Coe	Mrs Jones
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Mr Corbell	Mr Rattenbury	Mr Hanson	

Question so resolved in the affirmative.

Bill agreed to in principle.

### Detail stage

Bill, by leave, taken as a whole.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (12.08): Pursuant to standing order 182A(a) and (b) I seek leave to move together amendments to this bill that are urgent and minor and technical in nature.

Leave granted.

**MR CORBELL:** I move amendments Nos 1 to 7 circulated in my name together [*see schedule 1 at page 100*]. I table a supplementary explanatory statement to the government amendments.



As I mentioned in my comments during the in-principle stage, there has been ongoing consultation following the introduction of this bill with commission staff, community advocacy groups, the legal profession and members of the public about matters of detail in relation to the bill.

Following its introduction, that consultation has resulted in the identification of the implications of vesting the victims of crime complaints handling function in the Disability and Community Services Commissioner regarding the way the Victims of Crime Commissioner advocates for victims.

The victims of crime concerns and complaints that are handled by the Victims of Crime Commissioner are done so through advocacy rather than through a formal investigation process. A more formal process may slow down the process and limit the range of options available to the commissioner to assist victims who may often require urgent assistance. This also has the potential to change the range of methods that the Victims of Crime Commissioner can use to promote and protect the rights of victims, including advocating for compliance with the governing principles for administration of justice agencies under the Victims of Crime Act 1994. Therefore, in consultation with the Victims of Crime Commissioner, the government has decided to postpone a move to vest formal victims of crime complaints in the Disability and Community Services Commissioner on the basis that this would have been consistent with the other complaint provisions under the Human Rights Act.

Similar issues arise with the Disability and Community Services Commissioner having the function of handling complaints about matters in relation to which the Public Advocate has a function. Although this function exists in the Public Advocate Act, discussions with the Public Advocate and commissioners highlighted that the current process is less formal than the process under the Human Rights Commission Act and indicated that it generally occurs through advocacy. Therefore these amendments omit or oppose clauses from the bill that would have vested these new complaints functions in the Disability and Community Services Commissioner. I commend the amendments to the Assembly.

**MR HANSON** (Molonglo—Leader of the Opposition) (12.11): We will not be opposing the amendments. It is disappointing that we have not had a chance to fully consult on them. I have to take it a little bit on faith that they address some of the issues affecting this legislation.

The problem we have more substantively is with the bill. Again it highlights the fact that these amendments have been rushed through. The minister described them in his own words as “urgent”. This is not the way that we should be doing legislation in this place, particularly when it has such a substantive effect on people on the front line. As we have not had a chance to consult and engage, I will take it at face value that these improve the existing bill, and we will not be opposing them.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Planning, Building and Environment Legislation Amendment Bill 2015 (No 2)**

Debate resumed from 19 November 2015, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (12.13): Madam Speaker, the opposition will be supporting the Planning, Building and Environment Legislation Amendment Bill 2015 (No 2). The bill includes minor amendments to building, planning and environment legislation. The bill makes changes to the way asbestos matters are managed. Previous amendments to asbestos management provisions had the unintended consequence of requiring a building application for any project that included the removal or repair of asbestos sheeting, that is, bonded asbestos. This added unnecessary delay and red tape to the process. This kind of work is already governed by health and safety legislation, so removing the extra regulation is indeed sensible.

The bill makes changes to the development approvals processes in cases where the application is EIS exempt. In such cases the bill requires the decision-maker to consider an EIS exemption, a revised EIS application and the study which the exemption is based on when deciding the application. The bill also ensures that the conservator's advice will only be binding when it relates to a protected matter. All other advice from the conservator will be taken into consideration in the same way as other submissions about development applications. This means that the conservator is not given undue influence over planning matters.

The bill clarifies the public consultation period for an EIS so that the period will be listed on the consultation notice rather than being a set amount of time after notification. This means that people will not be excluded from providing a submission due to uncertainty about the end date of the consultation.

The bill also clarifies the time allowed to make a decision where a matter is referred to the commonwealth minister. The 10-day period for comment from the minister is added to the decision-making time.

The bill amends the provisions of the Nature Conservation Act 2014 to allow a closed reserve declaration to commence at the time it is made rather than having to wait for the notification day. This means that in situations where there is imminent danger but the Emergency Services Act still does not apply urgent action can still be taken. The bill also includes a defence for a person who was unaware of the closure and had no reasonable grounds of suspecting that a closure was in place.

Officials have told me that this provision will be used in cases where a dangerous weather event is forecast but has not actually commenced. At present it is not possible to force people to leave a reserve even when it is clear that there is a potential danger looming. This amendment makes a sensible change.

Finally, the bill allows for a list of key threatening processes to be made. This list is referred to in current legislation but has never actually been formed into a list.

The opposition supports this legislation, which makes sensible changes in the planning, building and environment spaces. I will have further remarks to make in the event that the minister moves his amendment.

**MR RATTENBURY** (Molonglo) (12.16): This bill, as Mr Coe has touched on, proposes a raft of minor policy and editorial amendments to a range of legislation including: minor policy amendments to the Building (General) Regulation 2008, which clarify the handling of asbestos cement sheeting; minor policy amendments to the Planning and Development Act 2007, which ensures that an EIS exemption is considered with a DA; a technical amendment to the Nature Conservation Act 2014, which allows for the closure of a reserve for safety reasons to come into effect at the time the declaration is made and allows the minister to make an additional key threatening process list; technical amendments to the Planning and Development Act 2007 in relation to complying with the conservator's advice in relation to a protected matter; and editorial amendments to the Nature Conservation Act, Planning and Development Regulation 2008 and Environment Protection Act 1997, and there are various amendments under those regulations which I do not need to go into in great detail.

The bill also includes an amendment moved by the Minister for Planning and Land Management in relation to the Electricity Feed-in (Renewable Energy Premium) Act 2008, and this seeks to address an error that was made in the original legislation around the definitions of "energy generators", which had the unfortunate effect of meaning that medium-scale generators did not need to be paid. Medium-scale generators have been paid over the past five years, and so this retrospective amendment merely reinforces what everyone assumed to be the law during that time by ensuring that all payments that were made are now, in fact, legal payments. Madam Speaker, the Greens will be supporting this bill before us today.

**MR GENTLEMAN** (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (12.17), in reply: I thank members for their contributions to this bill. The bill is a continuation of the government's longstanding planning, building and environment legislation amendment bill process. This is the ninth omnibus bill to be created and manages all minor policy, technical or editorial amendments for legislation administered by the Environment and Planning Directorate. The omnibus PABLAB process is an efficient way to make a number of necessary minor amendments in a single bill. A consolidated amendment bill also helps the wider community to have easy access to and understand changes to planning, building and environment legislation.

This bill makes minor policy, technical and editorial amendments to the Building (General) Regulation 2008, the Environment Protection Act 1997, the Environment Protection Regulation 2005, the Nature Conservation Act 2014, the Planning and Development Act 2007 and the Planning and Development Regulation 2008.

Whilst containing only minor amendments, the bill has a number of principal amendments. One such amendment is to ensure greater protection of public safety in

the territory's nature reserves—we have heard detail on that from both the opposition and Mr Rattenbury—while another reduces red tape in the building approval process. The bill also makes a number of other more minor and consequential amendments that I will leave for my colleagues to discuss later on.

At this point I would like to talk about the amendment contained in the bill that relates to closing nature reserves to protect public safety under the Nature Conservation Act. The amendment in clause 15 of the bill relates to the power of the Conservator of Flora and Fauna to close nature reserves by issuing a closed reserve declaration under section 259 of the Nature Conservation Act. A closed reserve declaration may be made if the conservator believes the continued unrestricted public access may endanger public safety or interfere with the effective management of the reserve. A closed reserve declaration is a notifiable instrument, and an additional public notice of the closure must also be given, including displaying notices in a prominent place at the reserve itself.

The provision as it is currently drafted presents a number of issues in being able to act quickly to close nature reserves to protect public safety. Having to wait until the day after the instrument is formally notified on the legislation register for the closure to legally commence means that it is not possible to immediately close a reserve to protect public safety. The process for notification of an instrument often involves a lag time of a couple of days and this affects the ability of rangers and conservation officers to respond to urgent situations.

The bill proposes an amendment to facilitate the closure of a nature reserve on an urgent basis. The amendment inserts a new section 259(5), which will permit a closed reserve declaration to commence on a day or at a time earlier than its notification day. This will allow a declaration to commence at the time it is made and for public notice to be given subsequently, including signs erected on the reserve.

As mentioned earlier, this amendment deals with the practical difficulty of needing to urgently close a nature reserve without having to wait until after notification of the instrument. This amendment will allow the conservator to close reserves urgently to protect the public from harm. For example, a reserve may need to be closed urgently to respond to conditions of extreme fire danger, high rainfall that causes flooding and makes some swimming areas unsafe, or gale force winds that could lead to a high risk of falling limbs.

It also includes consequential amendments that expand the available defence. Under section 260 of the Nature Conservation Act it is an offence to enter a closed reserve. As the proposed amendment will allow for a closed reserve declaration to be legally effective from the time it is signed, this may cause some people to inadvertently commit an offence by entering a closed reserve. People may enter or be on a reserve before the conservation officers are able to reach the reserve to erect signage notifying the public of the closure. Therefore clause 16 of the bill substitutes new section 260(3) to include a new defence that will mean a person will not have committed an offence if they have no reasonable grounds for suspecting that a closed reserve declaration was in force. While the offence of entering a closed reserve is a strict liability offence, the expansion of the available defence mitigates the concern of catching the general public in an inadvertent breach of the law.

I would now like to talk about another principal amendment made by the bill that relates to reinstating an exemption for certain building work containing non-structural asbestos sheeting. The territory has previously adopted an asbestos management framework to have a harmonised approach with other model jurisdictions. This framework was introduced in 2014 and gives effect to the intergovernmental agreement for regulatory and operational reform in occupational health and safety.

The general outcome of the framework is that construction and building laws no longer regulate work involving asbestos. This is now more appropriately managed through work health and safety and dangerous substance laws. The Planning, Building and Environment Legislation Amendment Act 2015 contributed to implementing this framework by introducing amendments to the various pieces of building and construction legislation. This means that builders were responsible for ensuring building work aspects complied with building and construction laws while the asbestos safety aspects of such work continued to be regulated under work health and safety laws. This approach has ensured the appropriate management of building and asbestos work with no gap in regulatory oversight.

PABLAB 2015 No 1 included a consequential amendment which had the effect of removing item 25 of schedule 1, part 1.3 of the Building (General) Regulation because it related to asbestos. Item 25 had exempted the handling of asbestos cement sheets of not greater than 10 square metres from parts 3, 5 and 6 of the Building Act. Clause 4 of this bill proposes a technical amendment to the building regulation to reinstate the previous item 25 exemption for handling asbestos cement sheets. The amendment also proposes some additional modifications to the previous exemption as some elements are no longer relevant such as the restriction on quantity.

This amendment will mean that the removal of bonded asbestos or cement sheets does not require building approval under the Building Act. This is an appropriate amendment because the building work covered by this amendment involves non-structural elements and the asbestos component of the work is managed through work health and safety legislation.

The amendment facilitates removal of broken asbestos cement sheet without unnecessary regulation and red tape. The broken asbestos sheet can then be replaced with the equivalent safe material, provided that the work complies with the relevant work safety laws concerning asbestos work. While building approval is not needed under the Building Act, the work must be done in accordance with the Building Code of Australia and in a proper and skilful way.

The bill also makes minor policy amendments to the Planning and Development Act concerning environmental impact statements in the development application process. Most development applications in the impact track require an environmental impact statement, often referred to as an EIS. However, a completed EIS is not required if an EIS exemption is in force. There are a number of documents that are relevant to an EIS exemption, including the exemption application, the recent study on the application, what it is based on and the EIS exemption itself. The amendment proposed in clause 21 expressly requires this additional documentation to be considered when deciding an application for development approval.

These documents are all relevant to the impact track development assessment process and are particularly important for consideration of environmental impacts. It is important to emphasise that this does not amount to additional red tape and, in particular, does not require the proponent to produce any additional documentation. This is because these are documents that are already required to be produced for the EIS exemption and which, in practice, are already taken into account in the assessment process.

Madam Speaker, I think it is apparent that this bill has fulfilled its purpose as an omnibus bill. These amendments are minor but altogether play an important part in making planning, building and construction and environment legislation up to date. It is also more easily understood and accurate. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

Debate (on motion by **Ms Berry**) adjourned to a later hour.

**Sitting suspended from 12.28 to 2.30 pm.**

### **Questions without notice**

#### **Trade unions—CFMEU**

**MR HANSON:** Madam Speaker, I beg your indulgence and welcome Dr Bourke back to the frontbench and I welcome Ms Fitzharris.

My question is to the Chief Minister. Chief Minister, the Royal Commission into Trade Union Governance and Corruption recommended that the secretary of the ACT branch of the Construction, Forestry, Mining and Energy Union, the CFMEU, should be referred to the Director-General of the Chief Minister, Treasury and Economic Development Directorate, CMTED, in order that consideration may be given to whether he should be charged with and prosecuted for intimidating an inspector contrary to section 190 of the Work Health and Safety Act 2011. Chief Minister, given that the CFMEU is a major funder of ACT Labor, is this a conflict of interest for you as the minister responsible for the Chief Minister's directorate?

**MR BARR:** No.

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

**MR HANSON:** Chief Minister, is the integrity of your directorate compromised if it has been asked to review a case against the secretary of the ACT branch of the CFMEU with its public links to ACT Labor while you are the minister responsible for the directorate?

**MR BARR:** No.

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

**MR WALL:** Chief Minister, what have you done personally to remove yourself from influencing the directorate, given the direct financial connections between the CFMEU and the party you lead, being the ACT Labor Party?

**MR BARR:** I have no involvement in the matter.

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

**MR WALL:** Chief Minister, is the directorate able to freely and without outside influence make a decision on whether charges should be laid against the secretary of the CFMEU for allegedly intimidating an inspector?

**MR BARR:** I think the premise of Mr Wall's question is incorrect, but the directorate is indeed free of any political interference in this matter.

### **Transport—light rail**

**MR COE:** My question is to the Minister for Capital Metro. Minister, the ACT government has, of course, selected Canberra Metro as its preferred consortium to build light rail. Minister, what is the interest rate, or the cost of finance, proposed by the Canberra Metro consortium?

**MR CORBELL:** As the government has indicated in announcing the preferred tenderer, Canberra Metro, the details that Mr Coe seeks will be part of the disclosure made following contractual and financial close of negotiations with the preferred tenderer.

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

**MR COE:** Minister, will the interest rate and all future payments payable to the consortium be published at the time of release of the contract?

**MR CORBELL:** I refer Mr Coe to the partnerships framework, the government policy that exists in relation to the entering into of PPPs, and that states very clearly what the time frames are and what information is disclosed through the finalisation of the PPP. So I refer him to that.

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

**MRS JONES:** Minister, what off-site work requirements have been proposed by Canberra Metro?

**MR CORBELL:** Unless Mrs Jones can give me further particulars, it is difficult for me to answer that question.

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

**MRS JONES:** Minister, has the ACT government agreed to take on any additional works other than those stipulated in the 2014 business case and the government's public comments?

**MR CORBELL:** I thank Mrs Jones for the question. As is the case in any PPP, there is a balance of risk to responsibilities between the public and the private sector partners. In relation to the Canberra Metro bid, it is clearly the case that there has been a significant transfer of risk to the private sector partner as a consequence of the bid arrangements that we have accepted from them. All those details, as is the case with any of these matters, will be the subject of final contractual negotiations and then the government will be in a position to provide further information in relation to those particulars. If there are particular items that members of the opposition wish to ask about, I am very happy to try and answer those questions.

### **Gaming—casino**

**MR SMYTH:** My question is to the Chief Minister. Chief Minister, where is the government at in its discussions with the casino owners in relation to their interest in acquiring poker machines?

**MR BARR:** At the beginning of the second stage of the analysis of the proposals.

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

**MR SMYTH:** Chief Minister, does the government support the casino having poker machines?

**MR BARR:** The government has not reached a conclusion in relation to its deliberations on that matter.

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

**MR DOSZPOT:** Chief Minister, what will have to happen in order to allow the casino to have poker machines?

**MR BARR:** That is the subject of the government's current deliberations.

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

**MR DOSZPOT:** Chief Minister, can you outline for the Assembly what legislation and regulatory changes need to be made to facilitate the casino's acquisition of poker machines?

**MR BARR:** Those are matters that the government is currently considering. When I have more to say about that, I will advise the Assembly.



**Tourism—direct international flights**

**MS PORTER:** My question is to the Chief Minister. Chief Minister, with the announcement earlier this month that Singapore Airlines will fly directly to Canberra from Singapore and Wellington, can you outline the economic, tourism and travel benefits for Canberra and the region?

**MR BARR:** I thank Ms Porter for the question. It gives me great pleasure to be able to outline to the Assembly the benefits from this game-changing decision of Singapore Airlines to fly to our city. It is important for Canberra on many levels and that is why, since 2012 when we announced our plan to bring international flights to Canberra, we have been pursuing this with such vigour over that period up until the recent announcement.

Singapore Airlines have announced, for the benefit of those who missed their announcement, which would not be many people in Canberra, that they will be flying direct both to Singapore and to Wellington, and that delivers on the government's commitment to establish international flights for our city. This route connects Canberra and Wellington and, of course, Canberra through Singapore onto 390 other destinations around the world.

The ACT government has been leading efforts to secure these flights in conjunction with the Canberra Airport Group. We are delighted that that partnership between the government and the Airport Group and, indeed, a number of other key stakeholders has delivered this outcome.

Independent economic modelling shows that these new flights are worth more than \$100 million annually to our economy and will create hundreds of new jobs. Research commissioned by VisitCanberra and undertaken by Independent Economics in December 2013 found that daily services between Singapore and Canberra would generate \$88 million per annum in gross regional product for the Canberra catchment and an additional 690 full-time jobs. Similarly, services between New Zealand and Canberra would generate in the order of \$51 million in gross regional product for the Canberra catchment and an additional 395 full-time jobs.

VisitCanberra will coordinate the delivery of the marketing partnership programs between Singapore Airlines, Tourism Australia and the Canberra Airport to leverage the significant cooperative marketing opportunities through those international channels. Cooperative marketing campaigns will encourage more leisure and corporate travellers to come to Canberra from New Zealand, from Singapore and, of course, from the hundreds of connecting destinations, including many significant locations in South-East Asia, India, China, the United Kingdom and mainland Europe.

So there are clear economic and social benefits for the ACT community as a result of this announcement, most particularly in the time savings and convenience benefits of outbound travel for Canberrans. To make sure we continue to reap the benefits of international flights, a dedicated international aviation group has been established under the Economic Development portfolio. Its focus will be on growth opportunities,

including a regional freight plan, activities that support investment in the ACT and strengthening our cultural and business ties and business-to-business relationships, particularly in Singapore and Wellington.

The ACT government continues to work hard to diversify our economy by building on our city's strengths and knowledge-based industries and links to the rest of the world. Significant transport links like these are a key part of our city's economic transformation and the new direct international air services will greatly benefit the higher education sectors, our exporting businesses, two-way trade for our city, investment, tourism and cultural ties between the respective destinations.

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

**MS PORTER:** Chief Minister, what actions did the government take to encourage consideration by airlines of a direct Canberra route?

**MR BARR:** This is a project that I have been working on for a number of years. I first visited Singapore at the beginning of 2013, and at that point I held meetings with executives of the Singapore Tourism Board, Changi airport and Singapore government representatives, as well as Singapore Airlines. The managing director of Canberra Airport, Stephen Byron, accompanied by ACT government officials, again travelled to Singapore in August 2013 to present the business case to Singapore Airlines and to progress discussions on direct services between Canberra and Singapore. Further work occurred as part of a trade mission to Singapore in June 2014. Last year I again visited Singapore and met with Singapore Airlines chairman, Mr Stephen Lee, to press our case, and held discussions on the trade, business and investment opportunities between Canberra and Singapore.

I also actively pursued the trans-Tasman part of this service, as part of a series of visits to New Zealand, culminating in the Australian New Zealand Leadership Forum in February last year, where I met, not for the first time, with representatives of Air New Zealand, Auckland and Wellington airports and representatives of the New Zealand government, as well as holding meetings with our counterparts in the Wellington City Council.

In summary, the establishment of these direct international services has been a high priority for the government, for the local business community, for the airport and indeed a priority for the wider Canberra community. Working together, we have achieved a fantastic outcome for Canberra. I am sure I speak on behalf of all Canberrans in thanking Singapore Airlines for their commitment to Canberra, and we look forward to working with them in the years ahead.

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

**MS BURCH:** What has been the reaction of the business sector to this announcement?

**MR BARR:** It is fair to say the reaction from the business sector has been extremely positive. Even those opposite have struggled to find anything to criticise in relation to

this announcement, which is most unusual. From industry leaders, business groups, regional leaders, national tourism and export bodies, all agree this is a game changer for Canberra and for our broader region. The Canberra Business Chamber said:

Flights will make our businesses more competitive and help them win new customers.

In addition to the economic benefits there are clear social benefits for Canberra and the region. There will be significant time savings and convenience benefits for travel to Wellington, Singapore and beyond. There are obvious benefits for our tourism sector and our visitor economy which will extend further as we develop new links and relationships for trade, investment, international student travel, business and regional freight activity.

The business community, the education sector, the visitor economy and regional authorities have clearly indicated that direct international air services have been a key priority for their constituents, and this priority has been delivered by my government and we will continue to work to build on this significant announcement to make sure that all in our community can benefit from these significant game-changing elements of this new service for Canberra.

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

**MS BURCH:** Can the Chief Minister explain how the direct international flights will help Canberra achieve the tourism 2020 strategy?

**MR BARR:** Thank you, Ms Burch, for the question. The 2020 tourism strategy was launched in 2013 with a goal of growing overnight visitor expenditure into the territory to \$2.5 billion by 2020. The latest tourism satellite accounts were released on 24 April 2015. The value of tourism in the ACT economy in 2013-14 was \$1.6 billion and the sector is employing just under 15,000 people.

The areas of focus that will assist in realising the ACT's tourism 2020 potential include: investment in destination marketing activities that encourage domestic and international travellers to come here; growing the digital capability of the tourism industry; new product and experience development; investment, support and leveraging key drivers of the visitor economy, including major events, business events and education tourism; creating the right business environment by encouraging investment, reducing regulatory burdens and addressing labour and skills shortages—all key priorities for my government.

And, of course, there are direct international flights. For the next four years, the visitor economy has the opportunity now to grow significantly as a result of the ACT government's work, the work of Canberra Airport and the announcement of Singapore Airlines. This is the most significant economic development boost that this city has had in decades, and I am delighted that my government has been able to help make it possible.

**Canberra Olympic Pool**

**MR DOSZPOT:** My question is to the Minister for Sport. Minister, it was reported during January that, despite repairs to the tune of \$154,000, the Canberra Olympic Pool still leaks water at the rate of 33,000 litres per day. Icon Water's permanent water conservation measures state that public pools must lodge a water efficiency management plan with Icon Water and that Icon Water must approve the water efficiency management plan. Minister, can you advise as to the status of the water efficiency plan at Canberra Olympic Pool?

**MS BERRY:** I thank Mr Doszpot for his question on the Canberra Olympic Pool and the extensive work that has been done to control the leaks there. I will have to come back with some detail about the plan from the Olympic pool that has been arranged with Icon Water about how they can continue to save water through the leaks that are continuing to occur at the pool. But I can advise that, unfortunately, the pool continues to leak and that the ACT government will have to consider the future of the pool, especially in light of the city to the lake project. But I will come back to the Assembly with the detail of a plan that Mr Doszpot refers to with Icon Water.

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

**MR DOSZPOT:** Minister, you might also want to take on board the following question. Is leaking 33,000 litres a day compliant with this plan?

**MS BERRY:** As Mr Doszpot knows, the Canberra Olympic Pool has been leaking pretty much since it opened. It is unfortunate that it was leaking the amount of water that it had been. The repair work to the pool did diminish some of the water loss. However—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Order Mr Rattenbury; I mean Mr Hanson. I apologise, Mr Rattenbury.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, you are on a warning. Ms Berry, have you completed your answer?

**MS BERRY:** Yes, Madam Speaker.

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

**MR COE:** Minister, has the 33,000-litre leak caused any significant structural damage to surrounding infrastructure?

**MS BERRY:** I am not aware of any structural damage that has occurred as a result of the leaks. If there has been any I will take some advice on it and bring it back to the Assembly.

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

**MR COE:** Minister, how far have plans progressed to replace the current pool in the city with a new facility?

**MS BERRY:** As I referred to in my previous answer, the long-term future of the pool will need to be looked at in the context of future developments such as the city to the lake plan.

### **Schools—children with disabilities**

**MR WALL:** My question is to the Minister for Education. Minister, the latest international Human Rights Watch annual report highlighted the ACT public school incident in which a boy was placed in a cage as a violation of disability rights in Australia. Given that this issue is continuing to attract national and international attention, when does the government intend to deliver on the Shaddock report's recommendations, which the previous education minister committed to?

**MR RATTENBURY:** I thank Mr Wall for the question because this is a very important topic—one that I know has really caught the attention of everybody in the Assembly and, more broadly, across the community. Certainly, in taking on the education portfolio, I am well aware of the importance of following through on the Shaddock review.

As Mr Wall knows, the report of the expert panel was released in November last year. The panel made 50 recommendations. In terms of answering Mr Wall's question about when they will be implemented, obviously across 50 recommendations there will be a range of implementation time lines. It has been made clear, though, from the expert panel that this is a three-year program of change. Clearly there will be a variety of time frames in which these measures will be delivered.

What I can let the Assembly know is that the former minister for education has established an oversight committee which is responsible for monitoring progress on the delivery of the 50 recommendations. There will be not only I and my staff in the education directorate but also a separate oversight committee to monitor that progress. I have asked to meet with that oversight committee at their next meeting as part of my induction as Minister for Education so that I can immediately form a strong relationship with them and be very clear about the government's expectation in making sure that these recommendations are delivered.

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

**MR WALL:** Minister, what work has been done to determine which schools already have appropriate seclusion spaces and when will all schools be compliant in this respect?

**MR RATTENBURY:** I will take that specific question on notice and provide the details to the Assembly.

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

**MR DOSZPOT:** Minister, when will the expert committee recommendation 10, employment of additional psychologists, school counsellors or other professionals, be delivered, and will they be additional to the four psychologists previously agreed as part of the current EBA, finalised last year but not yet implemented?

**MR RATTENBURY:** Yes, that issue has certainly had some prominence in recent days. In terms of the multiple parts of Mr Doszpot's question, what I can say is that we need to ensure we have sufficient services available for students to support their educational, social and emotional needs in schools. That is done through the provision of a range of services. Some of those will be psychologists, but some will be counsellors and also youth workers and pastoral care workers.

It is important to look in a bit of detail at what the expert panel actually said. They commented on these broader issues specifically and they said that in the panel's view, rather than simply recruiting psychologists, it may be helpful to complement existing numbers of psychologists with social workers and other allied health workers in school counselling roles to build a multidisciplinary team approach and to meet recommended ratios.

This is an important nuance that the expert panel put in their report. As I meet with key stakeholders in the education sector over the coming weeks, I intend to discuss that very issue. Is it purely psychologists or how do we look at that multidisciplinary approach in terms of reaching the ratio recommended in the expert panel report? I will be taking a very clear approach of seeking that input from key stakeholders in the coming weeks.

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

**MR DOSZPOT:** Minister, what changes in direction have you implemented since you took over the education portfolio?

**MR RATTENBURY:** I think it is always wise not to be too presumptuous. I have taken an approach at the moment whereby the only thing I have presumed to do is to book as many meetings as possible with key stakeholders in the education sector and get out to as many schools as possible in the time that I have been able to. An important way to go about settling into the portfolio is to engage with experts in the field, to do a lot of reading and to start talking to people. To be honest, two weeks into the portfolio, I have not been presumptuous enough to suggest major changes in direction at this time.

### **Ministers—code of conduct**

**MRS JONES:** My question is to the Deputy Chief Minister. Minister, have you ever been asked by the CFMEU to act contrary to the ministerial code of conduct?

**MR CORBELL:** Madam Speaker, I am not clear under which of my portfolio responsibilities Mrs Jones is asking but I am very happy to advise her—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order, members!

**MR CORBELL:** that the answer is no.

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

**MRS JONES:** Minister, under any of your portfolios has any member of your staff ever been asked by the CFMEU to act contrary to the ministerial code of conduct?

**MR CORBELL:** Not to my knowledge.

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

**MR SMYTH:** If “not to your knowledge”, will you now ask your staff and report back to the Assembly?

**MR CORBELL:** My staff would be required to advise me of any such approach, and they have not.

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

**MR SMYTH:** Minister, has the CFMEU ever tried to improperly influence the capital metro project or any other project under your control?

**MR CORBELL:** No.

### **Transport—light rail**

**MS BURCH:** My question is to the Minister for Capital Metro. Following last week’s announcement of the preferred bidder for the first stage of Canberra’s light rail network, can the minister outline to the Assembly which companies make up the winning consortium and what expertise in light rail and infrastructure they will bring?

**MR CORBELL:** I thank Ms Burch for the question. Last week I was very pleased to join with the Chief Minister to announce that the first stage of Canberra’s light rail network—that promise by this government before the last election—will be delivered by a world-class consortium, Canberra Metro, that it will be delivered sooner than originally anticipated and that it will be delivered more cheaply than the government estimated.

Canberra Metro comprises Pacific Partnerships, CPB Contractors, John Holland, Mitsubishi Corporation, Aberdeen Infrastructure Investments, Deutsche Bahn International and CAF. Between them they will deliver 12 kilometres of light rail track, 13 stops, 14 light rail vehicles, a depot and 20 years of operation and maintenance. Combined, the members of this consortium have more than 220 years of experience in systems engineering, light rail operations and maintenance, and they collectively provide, globally, more than two billion passenger journeys each and every year.

The projects that the consortium members have participated in previously include the construction of Sydney's inner west light rail extension, Adelaide's coast-to-coast light rail project and Melbourne's regional rail link project. The rolling stock provider, CAF, has successfully delivered light rail vehicles across the globe, including in Germany, Brazil, the US, France, the UK, Australia, Hungary, Serbia, Sweden and Taiwan. For the first time we see the entry into the Australian market of the German rail operations provider, Deutsche Bahn, who are bringing more than 175 years experience in transport modelling, integration and world-class excellence in light rail operations.

This is a great outcome for our city. It follows a very rigorous assessment process. The two short-listed consortia submitted their proposals for stage 1, Gungahlin to the city, on 4 September last year. Since then the Capital Metro Agency's technical, operational and legal and financial specialist staff and advisers have reviewed two very substantial and high-quality proposals. The evaluation process has involved input from across government and the result is that an experienced consortium will deliver one of the biggest infrastructure projects our city has ever seen.

Once contract negotiations have been finalised, which is expected to be by June this year, construction will commence. Canberra Metro has indicated that the first stage, Gungahlin to the city, will be completed in late 2018, sooner than expected, with operations to commence in early 2019. The partnership with Canberra Metro will allow the government to draw upon significant expertise and technical infrastructure knowledge from a world-class consortium and it will support Canberra's trade, investment and local business opportunities.

This is a really important outcome for our city. After years of debate, after years of umming and ahing and after it being on and off the political agenda, this government is getting on with an important piece of infrastructure, infrastructure that will lay the foundation for future high-quality public transport services in our city and which will deliver jobs, investment and urban renewal for the Canberra of the 21st century. (*Time expired.*)

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

**MS BURCH:** Can the minister let us know the capital cost for the first stage and is it affordable?

**MR CORBELL:** I thank Ms Burch for her supplementary. Subject to final negotiations, we anticipate that the capital expenditure cost for the project is \$698 million subject to a five per cent variance. This is cheaper than the government anticipated in its business case released last year. When we released the business case last year, those opposite said, "This is a ridiculous cost assumption. It is far too low. You won't be able to deliver light rail for under \$1 billion." They have been proven wrong, Madam Speaker. Wrong, Madam Speaker!

*Opposition members interjecting—*

**MADAM SPEAKER:** Order, members!



**MR CORBELL:** Significantly wrong, Madam Speaker.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, you are on a warning.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe!

**MR CORBELL:** There was Mr Hanson saying it was going to be a \$1 billion project. There was Mr Coe saying that it was going to be a \$1 billion project. This project has come in with a capital cost estimate nearly \$100 million less than that anticipated by the government's own business case. So when this government stood up in this place over the past 18 months and said, "This business case is conservative and prudent in its estimates", we have demonstrated that that is entirely the case today.

We have been able to achieve a very significant outcome in terms of the risk transfer to the private sector in a broad range of matters. Those matters are, of course, subject to final contractual finalisation and will be able to be reported on in much more detail once those contractual negotiations are complete. The other point—(*Time expired.*)

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

**MR COE:** Minister, will any of Keolis-Downer EDI's bid costs be reimbursed as flagged in the business case?

**MADAM SPEAKER:** Could you repeat the question, Mr Coe? I did not hear the beginning of it.

**MR COE:** Madam Speaker, I said:

... will any of Keolis-Downer EDI's bid cost be reimbursed as flagged in the business case?

**MR CORBELL:** The business case did not actually say bid costs would be reimbursed. It said they may be reimbursed. But when the government released the requests for a proposal and when it shortlisted the two preferred shortlisted consortia we made very clear that we will not be reimbursing bid costs for either of the bidders, and that remains the position.

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

**MS PORTER:** Minister, what is the risk to the territory if the contract for light rail is broken and the project is not completed?

**MADAM SPEAKER:** Could you repeat the question please, Ms Porter?

**MS PORTER:** Certainly. Minister, what is the risk to the territory if the contract for light rail is broken and the project is not completed?

**MADAM SPEAKER:** It could be construed that these are hypothetical matters but they are matters of some discussion, so I will allow the question.

**MR CORBELL:** I thank Ms Porter for her question. Of course, we know that the risk is real, and we know that the consequences are very serious for the territory. Threatening to tear up a contract erodes investor confidence in the ACT. Let us turn to what a number of significant national industry leaders have said about the position of those opposite on this question. For example, the Chief Executive of the Business Council of Australia, Ms Jennifer Westacott, has made it clear that cancelling multimillion-dollar contracts is a false economy because investors and contractors will factor the costs of sovereign risk into Canberra's next project. That is all the ones which follow, Madam Speaker. Let me quote the Australian Industry Group chief executive—

*Opposition members interjecting—*

**MADAM SPEAKER:** Sit down, Mr Corbell. Stop the clock. Mr Coe, Mr Hanson and Mrs Jones, I have called you to order on a number of occasions. As I have said before, there can be reasonable interjection, but the interjections have got out of hand. Mr Hanson, I remind you that you are on a warning. This is your last reminder that you are on a warning.

**MR CORBELL:** They do not like it, Madam Speaker, but these are not the government's words; these are the words of Australia's most respected national industry leaders. The Chief Executive of the Australian Industry Group, Mr Innes Willox, has said very clearly:

Australia's executive governments have long observed the tradition, with some regrettable exceptions, of respecting contracts entered into by their predecessors, even where such contracts proved politically inconvenient. While we respect your principled opposition to the Capital Metro project—

they have said in a letter to Mr Hanson—

we note that a valid contract will be in place and construction underway well before next year's election.

They say that cancelling multimillion-dollar contracts is a false economy because investors and contractors will factor the costs of sovereign risk into Canberra's next project. *(Time expired.)*

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

**Auditor-General—engagement of strategic reviewer  
Statement by Speaker**

**MADAM SPEAKER:** Before I call the Chief Minister, I wish to advise the Assembly that pursuant to section 25(2) of the Auditor-General Act 1996 I have engaged an appropriately qualified person under a contract to undertake a strategic review of the Auditor-General. The engagement of the strategic reviewer follows a request from the Standing Committee on Public Accounts pursuant to section 25(1) of the Auditor-General Act and the completion of the procurement exercise. I also consulted with the Deputy Speaker prior to engaging the reviewer.

The reviewer I have engaged is a former Auditor-General of both Western Australia and Victoria, Mr Des Pearson. I have written to the Chair of the Standing Committee on Public Accounts advising of the engagement and noting the committee's obligation pursuant to paragraph 26(1)(a)(ii) of the Auditor-General Act to ask the strategic reviewer to conduct the review according to the terms of reference agreed to by the committee.

I have also written to the Chief Minister, the Leader of the Opposition, executive members and the Auditor-General advising of the engagement and noting relevant provisions of the Auditor-General Act. Mr Pearson will report to me on this review in June 2016 and I will subsequently present a copy of the report to the Assembly.

This is the first time, members, that provisions of the Auditor-General Act 1996 requiring the Speaker to engage a strategic reviewer have been put into effect. I observe that the process was a relatively cumbersome one, and I query whether there is an opportunity to bring a greater efficiency and clarity into the arrangements.

The particular areas I consider might benefit from further examination include providing clarity around the funding arrangements for the review, which are currently not stipulated in the act, and on this occasion the review will be funded by the Audit Office without additional appropriation; whether or not the public accounts committee should have a more significant role in selecting the strategic reviewer than is currently provided for in the act; whether the chronology of the engagement process provided for in the act is a logical one.

Paragraph 26(1)(a)(ii) requires that the public accounts committee ask the strategic reviewer to conduct the review according to the terms of reference after the reviewer has already been engaged by the Speaker. It would appear to make more sense for the Speaker to make this request of the strategic reviewer on behalf of the committee as part of the procurement and contract-making process.

I will discuss these matters with the public accounts committee in due course but wish to provide this information for the consideration of members given that it is the first time that the relevant provisions have been utilised to ensure the openness and transparency of the engagement.

I present a copy of the contract that I have entered into on behalf of the territory with Mr Pearson, and I am doing that because there is no other mechanism for me to have a contract entered into on the public record. It does not fit the procurement guidelines. I present the following paper:

Auditor-General Act, pursuant to subsection 25(2)—Strategic Review of the ACT Auditor-General—Copy of Services Agreement between the Australian Capital Territory and Des Pearson, dated 15 January 2016.

### **Assembly on demand Statement by Speaker**

**MADAM SPEAKER:** I wish to advise members of an important change in the Assembly broadcasting. As members know, chamber proceedings and committee hearings are broadcast live on the internet, and they are also available as audio-visual replays. Commencing from today's sitting, the daily on demand analogue broadcasting system has been replaced by the new Assembly on demand digital broadcasting system. The changeover was necessary due to the age of the daily on demand hardware and software and to conform with widescreen digital broadcasting standards.

The new system also includes several additional features that members have requested, including the ability to download particular video clips and to link them to social media sites. Proceedings can also be accessed on most contemporary mobile devices. All Assembly proceedings since November 2009 and all committee hearings since May 2011 remain available from the audio-visual archive.

Can I remind members that when using any video clips from the Assembly or committee proceedings absolute privilege does not apply to any broadcast. If members are in any doubt about the privilege aspects of the material they wish to broadcast they can seek advice from the Clerk.

It is hoped that the new broadcast system will enable the ACT community to be more connected with their Legislative Assembly.

### **Estimates 2015-2016—Select Committee Statement by Speaker**

**MADAM SPEAKER:** I also make a statement in relation to the Select Committee on Estimates. In my response to the Select Committee on Estimates 2015-2016 I undertook to report back to the Assembly on several matters, including the implementation of the territory's protective security policy framework, the enhanced library services for the Assembly and funding and administrative arrangements required to support the functions established under the Legislative Assembly (Office of the Legislative Assembly) Amendment Act 2013.

In relation to the protective security framework, I have participated in a number of discussions with the government about its implementation. The Office of the

Legislative Assembly has temporarily discontinued the work in the Assembly program, and this will free up funding to partially fund a position on a temporary basis to assist the implementation of the framework and other physical security-related functions. This is not a long-term, viable solution.

It remains my view that this role is a critical element required to manage the Assembly's physical security-related risks effectively. I regard compliance with the framework as the first step in a broader and ongoing physical security management program across the Assembly. I have again made the case for funding a permanent security manager position as part of the 2016-17 budget process.

In relation to enhanced library services, the issue was raised with the Standing Committee on Administration and Procedure in the context of the 2016-17 budget. The committee agreed that an additional research capability within the Assembly library is desirable, and funding has been sought as part of the 2016-17 budget development process.

In relation to the administrative arrangements associated with the Legislative Assembly (Office of the Legislative Assembly) Amendment Act 2013, I have initiated work to bring both the Auditor-General and the Electoral Commissioner into the budget protocols arrangement which currently exists between the Treasury and the Office of the Legislative Assembly. I will be writing shortly to the Chief Minister to commence the review process outlined in the protocols. The objective of this review is to regularise the budgetary arrangements for the independent officers of the Legislative Assembly.

I am also considering the adequacy of the provisions in the Auditor-General Act in relation to the engagement of a strategic reviewer, which I have previously discussed. There were some elements of that process that posed certain administrative roadblocks. It may be that legislative amendments will be required to provide more clarity to the process, and I will engage in discussions with the Standing Committee on Public Accounts on the role of the Standing Committee on Public Accounts in selecting the strategic reviewer, the role of Speaker in engaging the reviewer under contract, the funding for payment of the review and the chronology of the review process.

## **Papers**

**Madam Speaker** presented the following papers:

Auditor-General Act—Auditor-General's Report No 10/2015—2014-15  
Financial Audits, dated 18 December 2015.

Standing order 191—Amendments to the Courts Legislation Amendment Bill  
2015 (No 2), dated 23 November 2015.

**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:

Anne Ellis, dated 5 January 2016.  
Cherie Hughes, dated 14 January 2016.  
Colm Mooney, dated 11 January 2016.  
Daniel Bailey, dated 27 November 2015.  
David Matthews, dated 1 December 2015.  
Elizabeth Lopa, dated 18 November 2015.  
Helen Pappas, dated 25 November 2015.  
Jeffrey House, dated 24 November 2015.  
John Mason, dated 30 November 2015.  
Jonathan Sibley, dated 5 January 2016.  
Karen Greenland, dated 23 November 2015.  
Lana Junakovic, dated 17 December 2015.  
Leanne Power, dated 15 December 2015.  
Maureen Sheehan, dated 30 November 2015.  
Michael Trushell, dated 4 January 2016.  
Nicholas Holt, dated 22 December 2015.  
Nicholas Hudson, dated 25 November 2015.  
Nicole Pulford, dated 25 November 2015.  
Paul Ogden, dated 21 December 2015.  
Rodney Bray, dated 25 November 2015.  
Thomas Gordon, dated 26 November 2015.

Short-term contracts:

Ajay Sharma, dated 18 January 2016.  
Benjamin McHugh, dated 5 January 2016.  
Bernadette Mitcherson, dated 4 and 5 January 2016.  
Brett Monger, dated 24 December 2015 and 5 January 2016.  
Brett Wilesmith, dated 7 and 8 December 2015.  
Bruno Aloisi, dated 17 December 2015.  
Chris Bone, dated 28 October and 9 November 2015.  
Christopher Collier, dated 17 November 2015.  
David Foot, dated 6 and 12 November 2015.  
David Pryce, dated 8 and 14 December 2015.  
Donald Taylor, dated 24 December 2015 and 5 January 2016.

Donald Taylor, dated 24 December 2015 and 5 January 2016.  
Elizabeth Beattie, dated 13 November 2015.  
Elizabeth Beattie, dated 15 December 2015.  
Emily Dean, dated 21 and 22 December 2015.  
Fiona Barbaro, dated 2 and 7 December 2015.  
Fiona Dolan, dated 30 November and 2 December 2015.  
Gary Rake, dated 18 December 2015 and 1 January 2016.  
Geoffrey Rutledge, dated 7 and 8 December 2015.  
Goran Josipovic, dated 17 and 22 December 2015.  
Goran Josipovic, dated 22 December 2015.  
James Corrigan, dated 22 December 2015.  
James Corrigan, dated 5 and 9 November 2015.  
James Dunstan, dated 25 and 27 November 2015.  
Jonathan Quiggin, dated 5 and 12 January 2016.  
Joshua Rynehart, dated 18 and 20 November 2015.  
Karen Doran, dated 18 and 21 December 2015.  
Kaye Yen, dated 24 December 2015 and 5 January 2016.  
Mark Huxley, dated 11 and 12 January 2016.  
Mark Jones, dated 6 and 12 January 2016. 1418  
Megan Brighton, dated 22 December 2015 and 5 January 2016.  
Meredith Whitten, dated 3 November 2015.  
Paul Rushton, dated 13 and 14 January 2016.  
Peter Le Lievre, dated 10 and 11 November 2015.  
Peter Le Lievre, dated 24 December 2015 and 5 January 2016.  
Rex O'Rourke, dated 11 November 2015.  
Richard Baumgart, dated 11 and 12 November 2015.  
Robert Gotts, dated 14 and 19 January 2016.  
Savvas Pertsinidis, dated 12 and 13 November 2015.  
Sean Moysey, dated 9 and 17 December 2015.  
Thomas (Kevin) Bell, dated 4 and 5 January 2016.  
Warren Prentice, dated 26 and 30 November 2015.  
Wendy Cuzner, dated 19 and 20 November 2015.

Contract variations:

Andrew Pederson, dated 21 and 22 December 2015.  
Austin Kenney, dated 4 and 15 December 2015.  
Christopher Webb, dated 11 and 12 January 2016.

David Foot, dated 17 and 21 December 2015.  
David Foot, dated 4 and 5 January 2016.  
David Foot, dated 4 and 5 January 2016.  
Elizabeth Beattie, dated 2 and 7 December 2015.  
Francis Duggan, dated 7 and 8 December 2015.  
Gordon Elliot, dated 20 December 2015 and 5 January 2016.  
Ian McGlinn, dated 18 and 20 November 2015.  
Ian McGlinn, dated 20 January 2016.  
Joanne Garrisson, dated 11 and 14 January 2016.  
Judianne Childs, dated 17 and 18 December 2015.  
Kim Smith, dated 22 December 2015.  
Kuan (Sky) Sim, dated 13 January 2016.  
Liesl Centenera, dated 17 and 22 December 2015.  
Loretta Zamprogno, dated 13 January 2016.  
Peter Le Lievre, dated 7 and 8 December 2015.  
Peter Le Lievre, dated 24 December 2015 and 5 January 2016.  
Rex O'Rourke, dated 21 and 22 December 2015.  
Rodney Bray, dated 5 and 12 January 2016.  
Wendy Cuzner, dated 11 and 12 January 2016.

## **Budget review—2015-2016**

### **Paper and statement by minister**

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

Financial Management Act, pursuant to subsection 20A(2)—Budget 2015-2016—Budget review.

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

**Mr Smyth:** Yes!

Leave granted.

**MR BARR:** Thank you, Madam Speaker, and there is nothing more reassuring than the warbled “yes” of the shadow treasurer in granting me leave to speak on the budget. It feels like we have been doing this for decades, shadow treasurer.

Madam Deputy Speaker, I present to the Assembly the 2015-16 budget review prepared in accordance with section 20A of the Financial Management Act 1996. I am



pleased to advise the Assembly that the budget review confirms that the government is on track to deliver its fiscal strategy. We are supporting the territory's economy in the short term, we are returning the budget to balance over the medium term and we are investing in infrastructure to support the territory's long-run growth and prosperity. The delivery of this review is a strong performance. Rather than cutting services that many people in our community rely upon, the ACT government is managing the economy carefully in the short term whilst returning the budget to balance over the medium term.

The investments that the government announced in the 2015-16 budget continue to progress. The total cost of services provided by the ACT government will amount to \$5.1 billion in 2015-16. In addition, the government will invest \$760 million in new infrastructure. These investments will provide stability and will boost employment in this challenging economic climate.

By investing in major infrastructure projects such as the Majura Parkway, a new public hospital, new schools and a light rail network, the government is creating more jobs for Canberrans and improving the territory's productivity. These projects attract investment from outside the territory, diversify our economy and reduce our reliance on jobs and activity created by the commonwealth public service.

The 2015-16 budget focused on the themes of health and education; economic growth and diversification; suburban renewal and transport; and liveability and social inclusion. We see the effects of the government's investments in the quality of our schools, our hospitals, our roads, and our parks and reserves every single day.

Perhaps less visible, but just as important, are the services delivered daily across the territory, ranging from helping those in need of domestic violence support services, to addressing homelessness, to providing coordinated and connected transport networks, to promoting innovation in local businesses and helping them thrive by making it easier to do business in Canberra.

The government's asbestos eradication scheme continues to work towards eradication of the ongoing risk of asbestos exposure through the demolition of affected properties. As at 14 December last year, the task force had worked with home owners to secure the purchase of 964 properties as part of the voluntary buyback scheme and 54 properties have already been demolished.

The scheme has, as members are aware, come at significant cost to the territory's general government sector headline net operating balance, reducing it by \$358.6 million in the 2014-15 fiscal year. However, and as I have noted on numerous occasions, the financial impact of the scheme of course reduces as affected blocks are remediated and sold.

Overall, the financial position of the 2015 budget review remains broadly consistent with that of the 2015-16 budget. Excluding the impact of the asbestos eradication scheme, the revised general government sector headline net operating balance is estimated to be a deficit of \$396.2 million in 2015-16.

This movement is driven almost entirely by a revised 2014-15 superannuation liability valuation. Again, as we have debated in this place almost every year that I have been a member, this variation is, of course, technical in nature, involves no additional cash outlays and is similar to that which has occurred in recent years.

I am pleased to advise that economic growth, as measured by gross state product, increased by 1.4 per cent in 2014-15. This is double the 2013-14 result and indicates a moderate recovery in the territory's economy. I think it is important to note at this point that in the mid-1990s when a federal Liberal government went about a destructive path in relation to the federal budget and the impact on the commonwealth public service, our territory economy dipped into recession, a deep recession, for an extended period. As a result of the policy decisions of my government in this recent period, we have managed to keep the territory economy out of recession. That is a significant achievement for the ACT in light of all that was thrown at us by the federal Liberal government.

I am again pleased to advise the Assembly that in September 2015 the international ratings agency Standard & Poor's reaffirmed the ACT's AAA long-term and A1+ short-term credit ratings, with the rating outlook retained as stable. I note in recent days the West Australian government has had yet another credit downgrade. So the fact that the ACT remains AAA-rated, together only with New South Wales and Victoria, reflects the strength of the territory's fiscal position.

This reaffirmation of the territory's credit rating demonstrates yet again that the government's economic and fiscal strategies continue to successfully support the ACT economy but, importantly, support the Canberra community during a period when the federal Liberal government has been hacking into our labour market, into health services and into education services. My government stands in marked contrast. The approach of the ACT government stands in marked contrast to what has been dished out to this city by the federal Liberal Party.

As we move into planning for the 2016-17 ACT budget, Canberrans can be assured that we will continue to provide vital funding for health and education services. Again, this puts my government, the Labor-Greens government here in the ACT, in marked contrast with the approach of the federal Liberal government. So whilst they are busy ripping \$80 billion out of our nation's hospitals and schools, here in the ACT this government continues to support the provision of these essential services for our communities.

We know exactly what to expect from a Liberal government were they to be elected here in the ACT. That is more cuts to our city's hospitals and more cuts to our city's education system. That is something that we will be reminding the people of Canberra of throughout this election year—contrasting our commitment to invest in our city's hospitals and schools with that of the Liberal Party and contrasting our track record of investing in our city's hospitals and schools.

We will also continue our path of tax reform, to cut stamp duty in every budget. We will be announcing the next phase of the five-year tax reform, the next five-year plan for tax reform in the ACT, to build a fairer and more sustainable revenue base for the territory's future.

Given what we have seen in the last 48 hours or so, where it would appear various elements of tax reform have started to come off the table at a national level, I do, again, remind members of the Prime Minister's comments on the *Insiders* program on Sunday morning. He commended not only the policy direction of the ACT's tax reforms and said very clearly that every economist in the world would recognise the policy merits—

**Mr Smyth:** In the world—every one?

**MR BARR:** Every economist; yes, they were—

**Mr Smyth:** Every economist in the world?

**MR BARR:** They were the words of the Prime Minister—every economist would recognise—

**Mr Smyth:** No, no, you just said every economist in the world.

**MR BARR:** Every economist would recognise—

**Mr Smyth:** Gilding the lily, are we?

**MR BARR:** I am not sure that there are economists—

**MADAM DEPUTY SPEAKER:** Mr Barr, sit down, please, for a moment. Mr Smyth, this is not a question and answer time. Question time has actually finished. So unless you have a point of order, would you please allow Mr Barr to continue to present his statement in silence. Mr Barr.

**MR BARR:** Thank you, Madam Deputy Speaker. As I was saying, the Prime Minister in his statement on the *Insiders* program over the weekend did, in fact, say—let me get the quote exactly so that we can share it with the shadow treasurer:

There are tax reform changes, particularly at the state level, which every economist will tell you would give you a very significant lift to GDP.

**Mr Smyth:** But he didn't say "in the world".

**MADAM DEPUTY SPEAKER:** Mr Smyth!

**MR BARR:** "Which every economist"; I am not sure that there are economists operating outside of planet earth, Madam Deputy Speaker. If there are, I am sure the shadow treasurer is consulting with them

*Mr Smyth interjecting—*

**MR BARR:** That would explain his economic policies.

**MADAM DEPUTY SPEAKER:** Order! Sit down, Mr Barr. Mr Smyth, may I suggest that if you have a question about this tomorrow that you raise it in question time. Otherwise—

**Mr Doszpot:** On a point of order, Madam Deputy Speaker. Mr Smyth is answering Mr Barr; so Mr Barr is actually provoking Mr Smyth. Could you warn him?

**MADAM DEPUTY SPEAKER:** Mr Doszpot, I do not think Mr Smyth has the opportunity to question again—

**Mr Doszpot:** He is just an innocent victim.

**MADAM DEPUTY SPEAKER:** Mr Doszpot, would you like us to just finish now and both of you go upstairs?

**Mr Doszpot:** No.

**MADAM DEPUTY SPEAKER:** Right, then let Mr Barr finish what he is saying and there is opportunity tomorrow during question time, if you wish, to get more clarification on this matter. Thank you, Mr Barr.

**MR BARR:** Thank you, Madam Deputy Speaker. So, yes, fresh from consulting the intergalactic economists that provide advice to the Canberra Liberals on economic policy, let me bring it back to the world and to Australia and to what the leader of his own party has to say in relation to tax reform:

There are tax reform changes, particularly at the state level which every economist will tell you would give you a very significant lift to GDP.

The Prime Minister went on to say:

For example, if you were to replace stamp duty on property transactions, and replace it with a land tax, a general land tax, there isn't a tax economist or theorist in the country that wouldn't tell you that would be a good move, because taxes on transactions like sales of property obviously inhibit trade, they slow down economic activity."

"Everyone understands that," the Prime Minister said—except for the shadow treasurer here in the ACT.

**MADAM DEPUTY SPEAKER:** Mr Barr, would you please not bait the shadow treasurer on the other side.

**MR BARR:** Thank you, Madam Deputy Speaker. The Prime Minister continued:

Everyone understands that. So that would get a policy tick.

Thank you, Prime Minister. He went on to say:

Political difficulty, however, is very, very high, possibly 11 out of 10, which is why nobody other than in the ACT has attempted it.

I thank the Prime Minister for his policy tick and for his tick on my government's political courage to take on the right policy decision for this territory, to campaign for it and to continue to deliver reform in spite of the cheap opportunism of those opposite. I will take that endorsement from the Prime Minister for our budget strategy, for our tax reform agenda.

I can advise members in concluding that the 2015-16 ACT budget review contains no new spending initiatives. Therefore, there is no need for a supplementary appropriation bill in this fiscal year. I commend the government's economic policy agenda and the 2015-16 budget review to the Assembly.

### **Justice and Community Safety—Standing Committee Report 5—government response**

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (3:29): For the information of members, I present the following paper:

Justice and Community Safety—Standing Committee—Report 5—*Inquiry into the Human Rights Amendment Bill 2015*—Government response.

I move:

That the Assembly take note of the paper.

I am pleased to present to the Assembly the government response to the Standing Committee on Justice and Community Safety report No 5 of 2015—*Inquiry into the Human Rights Amendment Bill 2015*. The government welcomes the report.

I introduced the Human Rights Amendment Bill 2015 into the Assembly in March last year. In summary, the bill extends the obligations on public authorities to act and make decisions in accordance with civil and political rights in the Human Rights Act to also apply to the right to education—an economic, social and cultural right; includes a note about the rights to protection of family and children in section 11 to make it clear that children enjoy all rights in the Human Rights Act in their own right, not just a right to protection within the family; and, thirdly, includes amendments to the rights of cultural minorities in section 27 of the Human Rights Act to include the unique and distinct cultural rights of Aboriginal and Torres Strait Islander peoples.

On 7 May, members gave the bill in-principle support but referred it to the committee for inquiry and report. The chair, Mr Doszpot, tabled the committee's report in October last year. The government thanks the committee and those who made submissions and representations to the inquiry for their engagement with this important issue and for recognising that this bill represents significant progress for the recognition of Aboriginal and Torres Strait Islander cultural rights.

The government has considered the eight recommendations and agrees to one. It notes six and disagrees with one. The government notes recommendation 1 of the report, which was that the Assembly vote in support of clauses 4, 6, 7 and 9 of the Human Rights Amendment Bill.

As stated in the report, the view of the committee was that the 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. The committee chair noted that, 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. Given that the committee has given the bill its endorsement in this matter, the government intends to bring forward the Human Rights Amendment Bill 2015 for debate in the coming weeks and hopes that these important amendments will now receive unanimous support.

In relation to the recommendation that all proposers of bills to be considered by the Assembly provide full, well-reasoned and substantiated explanatory statements for bills to support the deliberations of the Assembly, the government agrees. The government acknowledges the important role of explanatory statements in guiding the Assembly and the public through the application and interpretation of complex human rights concepts as they arise in legislation. The government intends to table a revised explanatory statement to clarify some clause explanations dealing with the issue of Torres Strait Islander peoples’ connection to the ACT and the status of native title in the ACT.

The government does not agree with recommendation 3 of the committee, which is that advice obtained by the government in relation to the drafting of the bill or a summary of that advice be tabled in the Assembly. The government does not intend to waive its client-legal privilege by releasing legal advice obtained in relation to an area of law which has not yet been finally settled. As a matter of course, legal advice from the Government Solicitor’s Office on relevant legal questions that supports policy development is accurately reflected in documentation supporting legislation implementing that policy. As noted above, the government intends to table a revised explanatory statement to clarify some clause explanations dealing with the issue of Torres Strait Islander peoples’ connection to the ACT and the status of native title in the ACT.

The government notes the committee recommendation that the ACT government investigate and consider legislation similar to the Victorian Traditional Owner Settlement Act 2010 for the ACT. The government notes this recommendation because any work on facilitating out-of-court settlements of native title should look both at the model adopted in Victoria but also beyond to the approaches taken in other Australian jurisdictions. Any such approach should acknowledge the unique characteristics of the ACT as both a relatively recently established territory but also as a meeting place and home to many Aboriginal and Torres Strait Islander people from across Australia.

Existing projects conducted by the Office of Aboriginal and Torres Strait Islander Affairs are contributing to a better understanding of the relationships of different Aboriginal peoples to our region. This work will form a solid basis for future consideration of ways to improve the accessibility of fora for hearing and resolving land use and native title claims.

The government notes recommendation 5, that the Assembly vote in support of clause 8 of the bill that omits the definition of “human rights” from section 40B(3), thereby extending the part 5A obligations on public authorities to the right to education. The government thanks the committee for its support of the proposal to make the right of education binding and enforceable. The government has also noted recommendation 6 in relation a note in section 11 of the act to indicate that a child has the other human rights set out in the act, not just the right to protection of families and children. The government thanks the committee for its support of the proposal to make the rights of children clearer.

The government has also noted recommendation 7, that the government introduce the amendments to the Human Rights Act to change references to children and child to include also young people.

The review of the act in 2014 noted:

...as the Human Rights Act and the relevant international instruments do not differentiate between the rights of children by reference to their age, adding “young people” into the formulation of the right in section 11 is likely to lead to confusion and diminish the ease with which international instruments and materials relating to the rights of the child, can be applied in the ACT.

The Victorian Charter of Human Rights and Responsibilities Act 2010 does not distinguish between a child and young person. The government’s policy position is that references to child in the Human Rights Act remain inclusive of all individuals under the age of 18 consistent with international law.

The government notes the committee’s recommendation that the government investigate and consider separating the right to protection of families and children in section 11. The government examined the case for and against separating the rights of children from family in the 2014 review. It noted arguments for and against separating the rights into two sections, but did not propose that the rights in section 11 be separated on the basis that the rights of children and the rights of families are separate and distinct rights, but also closely linked. Appropriate consideration of the best interests of the child must necessarily take into account the child’s family context and the importance of maintaining linkages and relations between the child and family. The government does not consider it necessary to split the rights to protection of family and children.

The committee’s report notes the “orderly development of the Human Rights Act 2004, in which the initial Human Rights Act has been incrementally extended over time, thus maintaining an appropriate relationship between the Human Rights Act and broader societal expectations in the ACT”.

The government thanks the committee for its careful and considered amendments to the act and its comments in relation to them. It believes that this amendment bill which we will now bring forward shortly represents an important step in this ongoing process.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee Report 20—government response**

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change): For the information of members, I present the following paper (3.39):

Public Accounts—Standing Committee—Report 20—Review of Auditor-General's Report No 5 of 2013: Bushfire Preparedness—Government response.

I move:

That the Assembly take note of the paper.

**MR CORBELL:** I am pleased to table the government's response to the Standing Committee on Public Accounts review of the Auditor-General's 2013 report into bushfire preparedness. Along with storms and extreme heat events, bushfires pose the greatest risk to Canberrans when it comes to natural hazards. Since 1939 the largest impacts from bushfire have arisen from a small number of very large fires in 1939, 1952, 1979, 1983, 1985, 1991, 2001 and 2003.

In the 2003 bushfires over 70 per cent of the ACT's total physical area was burnt and four lives were tragically lost along with over 500 homes of Canberrans. Facing one of the worst bushfire events ever experienced in Australia, our ACT emergency crews heroically did the best they could. On 18 January that year men and women of the emergency services worked with the community and saved over 1,000 homes and countless lives. Whilst this was a catastrophic event for our community, without our emergency services personnel it could have been a lot worse.

The bushfire left affected suburbs without electricity, gas and water for a number of weeks and required years of rebuilding and healing from its devastating effects. The bushfires in 2003 reduced vegetation fuel levels and lowered the territory's risk from large fires for a number of years. However, this vegetation is regenerating.

The ACT needs to be well prepared for our changing climate and the expectation of hotter and drier weather increasing in frequency as a result of climate change. It was fitting that 10 years after the devastating 2003 fires the ACT Auditor-General released its performance audit into bushfire preparedness. The objective of the performance audit was to provide an independent opinion to the Assembly on the effectiveness of the government's approach to bushfire preparedness. The report made 24 recommendations of which the government accepted all, either wholly or in part.



I am pleased to report that since the Auditor-General's report in 2013 significant advancements have been made to ensure the ACT remains ready to meet the challenges posed by bushfire both now and into the future. I would like to thank the committee for taking the last two and a half years to consider the Auditor-General's report.

The standing committee recommends guarding against complacency. One of the ways the government has guarded against complacency is through the development and implementation of the five-year strategic bushfire management plan, which was tabled last year in the Assembly in its third version in September 2014. The government's strategic bushfire management plan version 3 incorporated the recommendations of the 2013 Auditor-General's report.

I am pleased to report that the majority of the Auditor-General's recommendations are embedded into current practice. One of the Auditor-General's recommendations sought better annual reporting on the strategic bushfire management plan to the community. To achieve this, all government directorates with bushfire management responsibilities contributed to a bushfire risk management section in the 2014-15 Justice and Community Safety Directorate annual report.

A large number of the standing committee's recommendations have already been answered through the information provided in this bushfire risk management report in the JACS annual report. The ACT's governance arrangements, strategic bushfire management plan and reporting show that as a jurisdiction we have robust arrangements in place for bushfire preparedness, which include good governance and oversight mechanisms, rigorous strategic planning, good levels of risk analysis, effective response planning and capability, well-tested emergency management arrangements, good levels of recurrent funding for bushfire management and transparent monitoring reporting and review.

Let me provide an overview of these arrangements to reassure the committee and members that bushfire preparedness in the territory is at the level expected by the Canberra community. Firstly in relation to governance arrangements, the principal governing legislation for bushfire management in the ACT is the Emergencies Act. The act was amended in 2014 and comprehensively reviewed in 2015. The government is currently considering the 2015 review, and we anticipate tabling an amendment act as a result of that review in the coming months.

The Emergencies Act outlines requirements for a strategic bushfire management plan, bushfire mitigation and its monitoring, a ministerial advisory body on bushfires—the the ACT Bushfire Council—and an officials group across government—the security and emergency management senior officials group.

The amendments to the legislation in 2014 delivered on a number of the Auditor-General's recommendations, including clarifying the requirements for leaseholders in relation to bushfire mitigation on leasehold land. Whilst the Emergencies Act will be continuously improved, the current legislative framework provides effective governance for bushfire management for the territory.

Turning to strategic planning and risk analysis, I mentioned earlier that the strategic bushfire management plan version 3 was tabled in the Assembly in September 2014. The bill provides the framework for our planning, prevention, preparedness, response and recovery arrangements for bushfire. The SBMP brings together all the necessary ingredients that are fundamental to preventing fires starting, preventing the spread of fire and reducing the effect of bushfire. This includes strategies in relation to reducing bushfire emissions, implementing bushfire fuel reduction programs, providing appropriate land use policy and planning regulations, the development of bushfire management standards and preparing the community for bushfire.

As part of the large suite of activities that are undertaken each year, ESA conducts risk assessments on the vegetation throughout the ACT. This analysis drives our comprehensive risk mitigation and treatment strategies. Canberrans can be assured that the level of planning undertaken to protect the ACT from fire is well developed and comprehensive.

Turning to response capability and planning, in relation to the ACT's preparedness since 2003, the government has invested significantly in our emergency services capability, including new fleet acquisitions and station upgrades for both ACT Fire & Rescue and Rural Fire Service response units, additional personnel for ACT Fire & Rescue, improved communications and personal protective equipment, a new ESA headquarters with improved incident management facilities, a new training centre and helibase at Hume, and contracted helicopters for bush firefighting during the bushfire season.

ESA finalised a strategic bushfire capability framework in June last year, and that framework is also attached to the government's response. The framework was a recommendation of the Auditor-General, who suggested that the ACT should describe our target level of service to ensure we have adequate response capability and resources on hand. ESA's strategic bushfire capability framework sets measurable targets in relation to the level of service needed to be provided to the community. The framework outlines the ACT's level of bushfire capability and a number of areas where the ACT is either investing additional resources or monitoring our requirements.

Beyond a certain level of bushfire size and complexity the ACT will rely upon supplementary capability from interstate resources which can significantly increase our overall response capability. A recent example is the Hercules brought into lay retardant lines on the remote fire near Mt Clear in the south of the ACT on 19 December last year. Our capability is appropriate to manage a reasonably predicted level of risk in the territory and arrangements are in place with other jurisdictions to seek their assistance when needed.

The ACT has well-tested emergency management arrangements. The whole-of-government emergency coordination centre can be activated for all types of emergency, including bushfire. The ECC involves liaison officers from ACT government directorates, commonwealth agencies and utility operators coming together in order to coordinate the full resources of the government, infrastructure providers and the community in responding to an emergency.

Under the ACT emergency plan is the elevated bushfire danger plan, which outlines our whole-of-government arrangements for days of elevated fire danger. The government also has an ACT recovery plan which assists those affected by bushfire. Our emergency management arrangements are regularly tested through major annual exercises along with other smaller exercises more frequently. An incident controllers workshop involving levels 2 and 3 incident controllers was held on 8 October last year, and an incident management exercise was held from 13 to 15 October last year involving over 150 ESA personnel in all incident management roles over four shifts. This exercise was supported by New South Wales Rural Fire Service and NSW South Wales Fire & Rescue, reflecting the strength of our cross-border arrangements.

The ACT also has a high level of sophistication in relation to our public information and community warnings. Our approach to messaging through the single point of truth, or SPOT, app has been recognised nationally and by the United Nations as an innovative and considered approach to ensuring effective messaging to our community.

Our messaging capability is bolstered by a wide range of memorandums of understanding with local media outlets. Since 2013 our community warnings have improved with the development of the national telephone emergency warning system, known as emergency alert, which allows phone and text messages to be sent to people in targeted, geographic areas providing them with warnings or advice. We most recently tested the emergency alert system around Black Mountain in late 2015 and demonstrated the level of assistance it provides in our suite of community warnings.

Turning to the issue of levels of resourcing and effective management that mitigate the risk, the government has provided an ongoing financial commitment towards bushfire management in the territory. The government announced an additional \$9.2 million in funding over four years to reduce the ACT's vulnerability to bushfire as part of the most recent budget. Our levels of funding over the past seven years were reported in the bushfire risk management section of the JACS annual report. The new funding provides a more sustainable level of funding for bushfire mitigation activities going forward. The government is also investing in our emergency services with funding being provided to upgrade the territory radio network as well as to upgrade stations and facilities.

In addition to new funding, ESA is implementing a range of strategic reforms to improve the way it does business, including a restructure of its executive to better support emergency services managing risk, to undertake planning and to develop their people. A number of strategic projects are also being supported by the commonwealth's national bushfire mitigation program, and these are also outlined in the Justice and Community Safety Directorate annual report.

These projects include validating our bushfire-prone area mapping and educating the community around bushfire-prone areas and construction standards. The government anticipates that a small amount of grant funding will be available for rural leaseholders in 2016 to assist them to undertake minor improvements to their properties to support their bushfire mitigation activities.

Turning to community resilience and preparedness, the ACT Rural Fire Service has over 500 well-equipped and trained volunteer firefighters, and our community fire unit program has over 1,000 volunteers as an important community preparedness initiative for residents living on our urban-rural interface. The 2003 fires provided the ACT, Australia and the world with a new level of wisdom regarding bushfire behaviour. Significant scientific study has emerged in a range of areas, including the effects of smoke on weather patterns, the development of fire storms, fire channelling and pyro-tornadoes. What we have learnt is that the power generated by a large wildfire can be enormous and may be unable to be contained. Therefore, in a bad summer we cannot mitigate the risk of bushfire through suppression by fire crews and helicopters.

The science and lessons learnt since 2003 further tell us that we cannot save every property in a major wildfire. Fires are an interaction between the weather and terrain. At times their size and complexity will test the men and women of our emergency services beyond their capability to respond. 2003 has shown us that we must recognise our human limitations in responding to major wild fires and realise we cannot always provide absolute community protection.

When fire suppression is not possible, we need to evacuate people to safe places. Therefore, I am pleased to advise members that the government has a very robust evacuation and recovery planning framework, and our emergency response also harnesses a wide range of non-government organisations, such as Red Cross, St John Ambulance and a large number of community volunteers.

The standing committee notes that it has been 13 years since the 2003 Canberra bushfires and raises concerns around the potential for complacency. Let me assure the Assembly that the government and our emergency services are not complacent in their preparations and planning to combat bushfires and keep our community safe. *(Extension of time granted.)* To prevent complacency in the community, our emphasis must be on educating the community about bushfires and how they need to be prepared.

ESA continues to roll out the Canberra bushfire ready campaign and alert the community of the need to prepare for bushfires. Residents need to take their responsibilities for preparing bushfire survival plans seriously and, if threatened, implement their plans early. Bushfire survival plans involve the preparation of properties, keeping informed, having an emergency kit and knowing when to evacuate. The importance of ensuring this message reaches our community is demonstrated by our emergency personnel doorknocking homes in our bushfire-prone areas encouraging them to make preparations.

Madam Deputy Speaker, I am pleased to be able to table this comprehensive response to the Standing Committee on Public Accounts report. Bushfire preparedness is a whole-of-government and whole-of-community requirement, working together to prevent and prepare for the threat of bushfire. The government response demonstrates to the Assembly that the work undertaken across ACT government directorates in relation to bushfire preparedness is comprehensive and effective.

I want to commend the men and women in our emergency services and in performing mitigation works in Territory and Municipal Services for their dedication and hard work in ensuring that the ACT is well prepared for bushfire. I am sure that the Assembly joins me in thanking them for their continuing efforts. I thank the committee for their report and the importance they place on this matter.

Question resolved in the affirmative.

## Papers

**Mr Corbell** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Environment and Planning Directorate—Corrigendum.

**Mr Gentleman** presented the following papers:

Public Accounts—Standing Committee—Report 18—*Inquiry into elements impacting on the future of the ACT clubs sector*—Government response—Corrigendum, dated February 2016.

Planning and Development Act—

Pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 October to 31 December 2015.

Pursuant to subsection 161(2)—

Development application No 201527481—Block 1 Section 12 Dickson, Block 4 Section 1 Dickson, Blocks 40 and 41 Section 6 Dickson and Blocks 7 and 8 Section 51 Lyneham—

Statement regarding exercise of call-in powers, dated 24 November 2015.

Notice of Decision, dated 24 November 2015.

Development Application No 201528186—Blocks 1470 and 1471 Tuggeranong—

Statement regarding exercise of call-in powers, dated 29 January 2016.

Notice of Decision, dated 29 January 2016.

## Planning and Development Act 2007—variation No 340 to the territory plan

### Paper and statement by minister

**MR GENTLEMAN** (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations): For the information of members I present the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 340 to the Territory Plan—Structure Plan, Concept Plan, Holt Precinct Code and Zone Changes—Holt section 99 part blocks 15 and 16 (Belconnen Golf Course), dated 2 February 2016, including associated documents.

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

Leave granted.

**MR GENTLEMAN:** Variation 340 to the territory plan proposes to amend the structure plan, concept plan and zone boundaries applying to parts of blocks 15 and 16 section 99 Holt. These amendments, contained in variation 340, do not alter the future development of the site for residential purposes. Variation 340 reflects recent changes to future development intentions for the transmission corridor. As such, it is no longer feasible or desirable to place the transmission lines underground. Additionally, the golf club has decided not to relocate the existing golf clubhouse. Rather, the club intends to rezone the clubhouse site and immediate surrounds to the PRZ2 restricted access recreation zone to reflect this decision. In this regard variation 340 represents a relatively minor change to the territory plan. This resulted in consequential changes to the future urban area overlay and the Holt precinct map in order to reflect the new development intentions and boundaries.

The changes that prompted variation 340 provided an opportunity to update the structure plan for the site to reflect current terminology for bushfire provisions. This change does not alter the bushfire policies applying to the site.

An amendment was also made to the concept plan for the site, allowing zoning of the transmission corridor to PRZ1, urban open space zone. This is consistent with the current practices for zoning of transmission corridors in other future urban areas.

Variation 340 was released for public comment between 6 November last year and 21 December. Lessees of the surrounding sections and rural blocks were also notified in accordance with the requirements of the planning legislation. There were no public submissions.

A report on consultation was prepared by the ACT Planning and Land Authority detailing the consultation processes. I have used my discretion under section 73 of the Planning and Development Act not to refer the draft variation to the Standing Committee on Planning, Environment and Territory and Municipal Services, as I believe that the variation is relatively minor in nature and was not controversial.

## Papers

**Ms Berry** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Community Services Directorate—Corrigendum.

**Mr Gentleman** presented the following papers:

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

ACT Civil and Administrative Tribunal Act—ACT Civil and Administrative

Tribunal (Non-Presidential Members) Appointment 2015 (No 6)—Disallowable Instrument DI2015-314 (LR, 10 December 2015).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2015 (No 2)—Disallowable Instrument DI2015-299 (LR, 5 November 2015).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Australian Computer Society Professional Standards Scheme 2015 (No 1)—Disallowable Instrument DI2015-330 (LR, 21-December 2015).

Civil Law (Wrongs) Professional Standards Council Appointment 2015 (No 5)—Disallowable Instrument DI2015-317 (LR, 17 December 2015).

Civil Law (Wrongs) RICS Valuers Ltd Scheme 2015 (No 1)—Disallowable Instrument DI2015-329 (LR, 21 December 2015).

Commissioner for Sustainability and the Environment Act—Commissioner for Sustainability and the Environment (Reporting Period and Reporting Day) Determination 2015—Disallowable Instrument DI2015-327 (LR, 17 December 2015).

Court Procedures Act—Court Procedures Amendment Rules 2015 (No 3)—Subordinate Law SL2015-42 (LR, 17 December 2015).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2015 (No 3)—Disallowable Instrument DI2015-321 (LR, 21 December 2015).

Cultural Facilities Corporation Act and Financial Management Act—

Cultural Facilities Corporation (Governing Board) Appointment 2015 (No 4)—Disallowable Instrument DI2015-324 (LR, 17 December 2015).

Cultural Facilities Corporation (Governing Board) Appointment 2015 (No 5)—Disallowable Instrument DI2015-323 (LR, 17 December 2015).

Domestic Animals Act—

Domestic Animals (Exercise Areas) Declaration 2015 (No 1)—Disallowable Instrument DI2015-336 (LR, 22 December 2015).

Domestic Animals (Prohibited Areas) Declaration 2015 (No 1)—Disallowable Instrument DI2015-337 (LR, 22 December 2015).

Duties Act—Duties (Corporate Reconstruction Guidelines) Determination 2015 (No 1)—Disallowable Instrument DI2015-316 (LR, 10 December 2015).

Electricity Feed-in (Renewable Energy Premium) Act—Electricity Feed-in (Renewable Energy Premium) Registered Rural Block 1470 Tuggeranong Total Capacity Determination 2015 (No 1)—Disallowable Instrument DI2015-313 (LR, 3 December 2015).

Gambling and Racing Control Act and Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2015 (No 3)—Disallowable Instrument DI2015 311 (LR, 23 November 2015).

Gaming Machine Act—Gaming Machine Amendment Regulation 2015 (No 2)—Subordinate Law SL2015-40 (LR, 30 November 2015).

Health Act—Health Amendment Regulation 2015—Subordinate Law SL2015-41 (LR, 3 December 2015).

Legal Profession Act—Legal Profession (Solicitors) Conduct Rules 2015—Subordinate Law SL2015-37 (LR, 23 November 2015).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Code of Conduct for Ministerial Staff and Staff of Other Office-holders Determination 2015—Disallowable Instrument DI2015-319 (LR, 17 December 2015).

Legislative Assembly (Members' Staff) Code Of Conduct For Staff Of Non-Executive Members Determination 2015—Disallowable Instrument DI2015-320 (LR, 17 December 2015).

Lotteries Act—

Lotteries (Exempt Lotteries) Determination 2015 (No 1)—Disallowable Instrument DI2015-301 (LR, 4 November 2015).

Lotteries (Fees) Determination 2015 (No 2)—Disallowable Instrument DI2015 300 (LR, 4 November 2015).

Magistrates Court Act—Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2005 (No 1)—Subordinate Law SL2015-43 (LR, 21 December 2015).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2015 (No 2)—Subordinate Law SL2015-36 (LR, 23 November 2015).

Official Visitor Act—Official Visitor (Mental Health) Appointment Revocation 2015 (No 1)—Disallowable Instrument DI2015-338 (LR, 22 December 2015).

Planning and Development Act—Planning and Development (Bushfire Preparedness) Amendment Regulation 2015 (No 1), including a regulatory impact statement—Subordinate Law SL2015-38 (LR, 26 November 2015).

Pool Betting Act—Pool Betting (Prescribed Percentage) Determination 2015 (No 1)—Disallowable Instrument DI2015-328 (without explanatory statement) (LR, 21 December 2015).

Public Place Names Act—

Public Place Names (Moncrieff) Determination 2015 (No 8)—Disallowable Instrument DI2015-306 (LR, 12 November 2015).

Public Place Names (Throsby) Determination 2015 (No 1)—Disallowable Instrument DI2015-309 (LR, 16 November 2015).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2015 (No 7)—Disallowable Instrument DI2015-304 (LR, 9 November 2015).

Remuneration Tribunal Act—Remuneration Tribunal (Fees and Allowances of Members) Determination 2015—Disallowable Instrument DI2015-303 (LR, 9 November 2015).



Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2015 (No 10)—Disallowable Instrument DI2015-305 (LR, 12 November 2015).

Road Transport (General) Application of Road Transport Legislation Declaration 2015 (No 11)—Disallowable Instrument DI2015-315 (LR, 10 December 2015).

Road Transport (General) CTP Regulator Levy Determination 2015 (No 1)—Disallowable Instrument DI2015-325 (LR, 21 December 2015).

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2015 (No 1)—Disallowable Instrument DI2015-318 (LR, 17 December 2015).

Road Transport (Offences) Amendment Regulation 2015 (No 2)—Subordinate Law SL2015-44 (LR, 23 December 2015).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2015—Disallowable Instrument DI2015-326 (LR, 21 December 2015).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2015 (No 2)—Subordinate Law SL2015-35 (LR, 18 November 2015).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Approval of Protective Helmets for Motorbike Riders Determination 2015 (No 1)—Disallowable Instrument DI2015-322 (LR, 21 December 2015).

Taxation Administration Act—

Taxation Administration (Ambulance Levy) Determination 2015 (No 1)—Disallowable Instrument DI2015-332 (LR, 22 December 2015).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2015 (No 3)—Disallowable Instrument DI2015-333 (LR, 22 December 2015).

Taxation Administration (Amounts Payable—Over 60s Home Bonus Scheme) Determination 2015 (No 4)—Disallowable Instrument DI2015-335 (LR, 22 December 2015).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2015 (No 3)—Disallowable Instrument DI2015-334 (LR, 22 December 2015).

Training and Tertiary Education Act—Training and Tertiary Education (National Code of Good Practice for Australian Apprenticeships) Approval 2015—Disallowable Instrument DI2015-331 (LR, 21 December 2015).

Tree Protection Act—Tree Protection (Advisory Panel) Appointment 2015 (No 2)—Disallowable Instrument DI2015-310 (LR, 18 November 2015).

University of Canberra Act—University of Canberra Council Appointment 2015 (No. 4)—Disallowable Instrument DI2015-312 (LR, 26 November 2015).

Veterinary Surgeons Act—

Veterinary Surgeons (Fees) Determination 2015 (No 1)—Disallowable Instrument DI2015-302 (LR, 5 November 2015).

Veterinary Surgeons Regulation 2015—Subordinate Law SL2015-39 (LR, 27 November 2015).

## **Internet services**

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

**MADAM SPEAKER:** I have received letters from Ms Burch, Mr Hanson and Ms Porter proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Porter be submitted to the Assembly, namely:

The importance of high quality internet services in the Territory.

**MS PORTER** (Ginninderra) (4.02): I am pleased to speak about this matter of public importance today, high quality internet services in the territory.

We all know that Canberra is a great city to live and work in. We are one of the world's most livable cities, a city full of early adopters and a city of innovators and entrepreneurs. Of course, in the modern connected world we now live in, our competitiveness as a place to live and a place to do business will depend on high quality internet services. We are the major centre for services to government. We are a growing centre for education services and, increasingly, health services. We can only grow these service industries through exports, and we can only export these services if we have high quality internet services.

Madam Speaker, I think you would agree that we do pretty well on broadband quality and speeds when we compare ourselves to our capital city peers around the country. The problem is that Australia ranks just 40th for global internet speeds. That means that even though Canberra compares well with Brisbane and Adelaide, we are well behind competitors like Singapore and Wellington, where virtually all businesses and most households have access to reliable internet speeds 10 times faster than much of Canberra—10 times faster.

Around half of Canberra's households, and many of our businesses, do not receive services that are reliable, fast and stable enough for them to log into tendering websites to win government contracts or for students and teachers to access school intranets to do homework and mark assignments. I can remember the time when I actually did not have any kind of computer to do my school homework, but that was many moons ago. There are still far too many Canberrans who do not even have access to an ADSL connection, and therefore are unable to use anything other than the most basic internet resources.

Unlike federal parliament, which has been weighed down by a federal Liberal Party with its eyes shut to the importance of the internet for the future of the economy, for decades there has been bipartisan support in this chamber for improving the territory's

broadband. Twenty years ago this place recognised that Telstra was not going to build the broadband infrastructure our city and our people needed. As a city we decided we could be world leaders, and the TransACT network, which now services around 55,000 premises across Canberra, was the most advanced consumer broadband network in Australia when we began rolling it out. It is still competitive by global standards today.

I am sure that all members in this place were as hopeful as I was that the rollout of high-speed broadband in the ACT would be completed when the commonwealth established NBN Co in 2009. Canberra was one of the 19 designated early rollout sites. The initial rollout by NBN in Gungahlin under the former Labor federal government was one of the smoothest in Australia, and the take-up rate amongst the highest in the country.

Many of Canberra's housing developers understood the value of the NBN, and the NBN rollout in greenfield sites across Canberra has been among the most successful in the country. That initial rollout was not just about fibre in the ground. Both the federal and ACT governments delivered training and awareness raising programs for businesses and households to help them grasp what the NBN fibre rollout meant and how they would be able to take advantage of this new advanced network.

Sadly, the backward-looking federal Liberals decided that all this progress should be stopped in its tracks. Since the Liberals decided to turn their backs from Australia's future, virtually no new connections to the NBN have been made in the ACT, except for the completion of work already underway in Gungahlin. Disgracefully, despite the overwhelming need, virtually no connections to businesses have been made in Civic even though the rollout of NBN cable was completed years ago.

Almost incredibly, NBN's latest rollout plans for the ACT show that it plans to duplicate TransACT's network in suburbs like Campbell, while places like Fyshwick, which do not have access to anything like the speeds in Campbell, do not appear on NBN's rollout schedules at all. Not only is NBN duplicating TransACT's network; it is doing it with technology which will be slower than what already exists.

This is madness, Madam Speaker. It is the sort of madness you get from the Liberal Party, because they do not understand business and they do not have any vision for the future.

On 23 September 2015, the Assembly passed a resolution expressing its concern about the delayed, unequal and unclear access to NBN both within Canberra suburbs and across the Canberra region. The Chief Minister then wrote to the federal Minister for Communications to seek clarity about the future status of the NBN rollout in the ACT. I understand that, four months later, the Chief Minister is yet to receive a reply.

However, the ACT government has not stood still and waited for the federal Liberals to come to their senses. We are building the CBRfree wi-fi network, which will be one of the largest high quality and, most importantly, free public networks in Australia. In January this year, CBRfree was used by over 48,000 Canberrans and visitors. Madam Speaker, you can see schoolchildren working on their homework in

town centres using laptops connected to CBRfree. CBRfree is already available in Canberra city, Dickson, Belconnen and Manuka. It will be available in Kingston shortly, in Tuggeranong and Bruce by the end of April, in Woden by the end of June, and in Weston Creek and Gungahlin shortly after that.

Canberra is a city that looks to the future. We embrace new technology, and we can thrive in a world dependent on digital technology if we can get access to the internet services we need. As the new Turnbull government ramps up its language around being a 21st century government, I call on the federal government to commit to a clear and comprehensive NBN rollout that avoids duplication and delivers on priority business and household needs for Canberra.

**MR DOSZPOT** (Molonglo) (4.09): I thank Ms Porter for bringing on this matter of public importance, the importance of high quality internet services in the territory. As usual when we touch upon this topic we hear the rhetoric—and the government is very good at the rhetoric—on what their digital contribution is to Canberra, but unfortunately that is where the good part of it stops. The rhetoric is good; the actual delivery is less than good.

The opposition considers the provision of high quality internet services in Canberra to be of utmost importance as the use of the digital space continues to expand and evolve across the country. It is important that the nation's capital is leading the way in the construction and provision of high quality communication technologies, including the provision of high speed internet access.

The importance of delivering high quality internet services to Canberra and the nation is also a key priority of our federal counterparts. The rollout of the national broadband network will provide endless possibility for the education sector, the disability sector, the health sector, the commercial community, and quite a number of specialised areas where high speed broadband can enhance business opportunities. Importantly, under this federal government's rollout of the NBN, there is potential for further ICT job growth in the ACT and surrounds as well as supporting educational opportunities for all Canberrans.

The coalition's plan is ensuring that the NBN rollout is faster and cheaper, resulting in much lower prices for consumers. The rollout is expected to be completed by 2019 and will cost tens of billions of dollars less than Labor's original NBN plan.

Under Kevin Rudd, Labor promised fast broadband for all Australians by 2013 at a cost of \$4.7 billion and after more than five years of federal Labor government there was little progress in this area. There was little progress and there was little said by this government during the term of the Rudd Labor government or the other Labor government that followed it. They had very little to say about the lack of progress.

But since the coalition has come to power there has been a lot of increase, and I question Ms Porter's figures on the fact that there has been no activity in Canberra. We will come to that later. Since the coalition were elected, they have focused on creating and rolling out an NBN plan that all Australian households and businesses can reap the benefits from. Under the coalition's plan to transform NBN we will see

download speeds of between 25 and 100 megabits per second by the end of 2016 and 50 to 100 megabits per second by 2019. There are areas of Canberra now that are getting that and in fact the area that I am in is in that area where we are getting up to 45, 50 megabits per second. By August of last year there were more than 19,872 premises connected to NBN via fibre to the premises in Canberra and that figure is after only two years of the coalition being in office.

The suburbs with broadband services available include areas in Bonner, Civic, Crace and Deakin. There are currently 11,700 premises where construction is underway and a further 56,900 premises to be completed as part of the rollout plan by December 2016.

The coalition has given a commitment to utilise highly effective smart technologies in the delivery of a high speed broadband network service which will ensure that Australia does not fall behind in the worldwide digital revolution. Those of us on this side of the chamber agree that this is important. What is even more important is that the coalition government will provide the NBN to all Australians sooner and at less cost to taxpayers than was on offer under Labor. As I have mentioned, it is clear that superfast broadband is on its way to Canberra thanks to the hard work of the Australian government.

Perhaps we should be taking a closer look at what the ACT government is doing here in Canberra, apart from the rhetoric about how good it is. So what is the ACT government doing here in Canberra to improve digital infrastructure and enhance Canberra's ability to operate and thrive in an ever-increasing digital world?

Earlier today we heard the Chief Minister state his government's priorities and make clear in this Assembly that ICT infrastructure and the creation of a digital Canberra are important to this government. And we support that. It is important. It needs to be attended to.

However, looking closely at this government's track record over the last three years, the reality is actually quite a bit different. It seems that the execution of these so-called priorities has left a lot to be desired. Take for instance the rollout of the Canberra free wi-fi network which Ms Porter has spoken about. I have spoken on this subject many times over the last four years, and it seems Canberra is still waiting for its completion. It was promised that Canberra would host Australia's largest free public wi-fi network. That was four years ago. However, with continual delays in the rollout it seems we are still waiting for this promise to be very much delivered on.

Initially the rollout was to be completed by the end of 2015. Now we are looking at some time in mid to late 2016. So the promises that were made at election time all sounded very good but the reality is that we have not got it. So far only Canberra city, Braddon, New Acton and EPIC have active external wi-fi transmitters. The town centres of Belconnen, Dickson, Kingston, Manuka, Tuggeranong, Gungahlin, Weston, Woden and Bruce are still waiting to be fully receiving the free wireless network.

The wi-fi rollout was to be completed one year after its launch in October 2014. We are now in early 2016 and we are leading in to another election and still waiting on

this government to deliver on the promises and commitments it made in the last election. This is probably going to be their next election promise for this coming election as to just what will be delivered in this wi-fi area.

Just to make my point clear to all those on the other side of the chamber, if we take a closer look at what is happening here, here in the Assembly itself, for example, we have no wi-fi access in this building other than in this chamber. And if we are looking at how a government is reacting to its rhetoric, we do not have the wi-fi in this building for our offices to communicate with our community. We can communicate by wi-fi here in the chamber but what about the rest of the building? Is this the modern Canberra where we talk about the wonderful digital commitment of this government?

**Mr Gentleman:** I have got wi-fi upstairs.

**MR DOSZPOT:** You may have it on your floor—through you, Madam Speaker—we do not have wi-fi access on the first floor. Once again we seem to come back to the election commitments of this Labor government. In 2012 they committed \$2.9 million over four years to establish free wi-fi in bus interchanges and in ACTION buses. It was only in December of last year that five ACTION buses were fitted with free public wi-fi as part of a 12-month trial. When can Canberrans expect free wi-fi to be rolled out to the rest of the ACTION bus fleet as promised at the 2012 election and as was run by a private bus network in Queanbeyan over four years ago? Perhaps we will see this again as a re-announced election commitment for 2016.

The track record of this government does not tell the story of a government that values the importance of delivering high quality internet services to all Canberrans. It tells the story of a government that makes promise after promise and fails to deliver for the people of Canberra. It is a government that is hiding behind the achievements of the federal government and yet criticises the federal government and is not delivering on its own ACT election commitment to the people of Canberra. We on this side of the chamber believe that investing in the digital economy is very, very important here in the territory and it is the way of the future and is fundamentally important to the future growth and development of our national capital.

So we urge the Chief Minister to not just wax lyrical about how committed he is to it. Let us see the whole commitment by delivery to our community, to the children in Canberra that Ms Porter spoke about. Let us give everyone an opportunity to use wi-fi the way that commitment was made four years ago. But I do thank Ms Porter for raising this matter of public importance but, as often happens with what the government considers to be of public importance, such as the digital world that we are supposed to be well on top of here in Canberra, we have a long way to travel before that reality is here for us in the ACT.

**DR BOURKE** (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors) (4.19): Just last Saturday a constituent spoke to me at my Kippax centre mobile office about the lack of a usable internet service to support his home IT business in west Belconnen. When I was doorknocking in Latham on Sunday morning, a man said he had been waiting

for two years for an internet broadband connection. He had been told there was no more capacity at the exchange for more ports. His house is five kilometres from the exchange, so already the signal is degraded. Poor internet service is affecting people throughout my electorate in Belconnen. After years of talking about broadband and its potential, Australia's failure to roll out adequate broadband infrastructure to businesses and households is having a real impact now.

Most people do not realise this until they are shocked to find out when they buy a house or lease business premises in Canberra that they do not have adequate broadband for their needs. Businesses may find they do not have the bandwidth to support a website, to do video conference calls or to log in to customers' procurement portals. School students may find that they have difficulty accessing their online school resources at home, making it difficult to complete their homework. Teachers have found in some locations in Canberra that they cannot access their students' assignments online in order to mark them. Entertainment services like iView and Netflix may not be available or are only available at very poor quality. Patches of Canberra do have excellent broadband coverage. These areas were largely completed before the then communications minister, Malcolm Turnbull, axed the planned Canberra rollout, which included large parts of Belconnen.

We have had only vague plans for a future rollout since then. Comparable capitals such as Wellington, New Zealand and Singapore are well ahead of Canberra. Rollout of ultra-fast fibre to the premises, 100 megabits per second download and 50 megabits per second uploads started in Wellington in 2011, with around half the premises now covered. Priority was given to businesses, schools and health facilities and the full rollout is scheduled to be completed in 2019. Singapore's rollout of a one gigabit per second fibre to the premises next generation national broadband network is now mostly complete. These speeds are significantly better than the speeds that Mr Doszpot was skiting about just before.

Sadly, there are plenty of places around Canberra on Telstra's ADSL download speeds of eight megabits per second, if they are lucky enough to live near an exchange, and just two megabits per second if they are further away. What is worse, there is still a percentage of Canberrans who cannot even get access to ADSL and they cannot use their network for anything but the most basic resources. The current broadband access in the ACT is inadequate for the emailing of medical documents such as MRIs, X-rays and so forth, with the result that most medical documentation remains not electronic, at huge cost to the potential for the ACT to grow as a regional centre for health services.

Property managers in Civic are exasperated in dealing with the NBN and its never-ending series of delays. Their tenants say they are losing business as they have inadequate broadband, and properties in Civic are losing business tenants. Businesses in Fyshwick, Hume and in the eastern industrial area of Beard are frustrated with their ADSL services, which are inadequate for modern business needs. They tell the government that their ability to grow is limited because they cannot get access to one of the basic building blocks of modern business—reliable high-speed broadband. Businesses in Fyshwick regularly report that it is impossible to access the internet at certain times of the day. Businesses in Hume were recently without internet services for most of a week when their ADSL service suffered a series of intermittent faults.

It is safe to say that businesses in Singapore and Wellington do not suffer from these problems. Both here and in the federal parliament it is the Labor Party that understand how important decent internet services are for the future of this country and our businesses. It is just a shame that the Liberals lack vision, which means they are starving Canberra businesses of their full potential.

**MR WALL** (Brindabella) (4.23): I thank Ms Porter for bringing this discussion topic—namely, internet services in the territory—to the Assembly today. I, like many other members, am constantly approached by constituents in my electorate, in the Tuggeranong area, who raise concern about the quality of the internet service that is available to them down there. As recently as last week, while doorknocking in Tuggeranong, almost every house raised the issue of their broadband access. I was in Fadden. For those of you who are unfamiliar with how the Tuggeranong phone network works, suburbs such as Fadden and Macarthur operate out of the Monash telephone exchange, which is some considerable distance away from those homes. So when they do have access to the internet, it is of a very poor standard. When everyone gets home and flicks on Netflix or tries to download their emails or whatnot, that service is constantly choking and it is in desperate need of some upgrade.

I am encouraged that this topic is being raised in the Assembly today because it is something that requires all of us—Liberal, Labor and Greens members—to advocate for, to make sure that we do get proper broadband services here in the territory, not just for recreational and family use, but, more importantly—and this is a larger imperative—for business, particularly small businesses seeking to operate from home premises.

Ms Porter's speech, and even Dr Bourke's speech, illustrate why the ACT has been struggling with internet connectivity for quite some time. It is because it has become a pork-barrelling creature for both parties at the federal level. I think Labor is as guilty of it as the coalition, in that the favoured electorates are bumped up the schedule each time there is a change of government. Unfortunately, the ACT continues to miss out.

I am doing all that I can in my capacity to lobby my federal colleagues to ensure that particularly Tuggeranong gets put back on the roll-out schedule as quickly as possible, and that the opportunities that faster internet speeds bring are recognised in my electorate.

It is poignant to touch on the impact on so many businesses in Hume at the tail end of last year, when a fault in the Jerrabomberra telephone exchange caused the majority of businesses in Hume to be without internet for, in some instances, a couple of weeks. Not only was that irritating and an annoyance for them, but in many instances it cost thousands, if not hundreds of thousands, of dollars in lost opportunity, lost business and lost economic activity for the territory. That highlights in this day and age how important internet connectivity is to all citizens in the territory, particularly our business sector.

I would urge all members here to try and take some of the politics out of this issue and lobby for what is in the best interests of the people we represent here in the ACT, that is, that the territory be reinstated wholly on the NBN roll-out schedule and that it be done as a priority.



**MS BERRY** (Ginninderra—Minister for Housing, Community Services and Social Inclusion, Minister for Multicultural and Youth Affairs, Minister for Sport and Recreation and Minister for Women) (4.27): I welcome the opportunity to speak on an issue of great importance to people in my electorate in Belconnen, and particularly where I live, in west Belconnen.

The internet has changed the way that we live. Accessing fast, stable connections has seen the development of amazing technologies that have allowed us to come together in ways that we might never have imagined. My colleague Mary Porter spoke about the importance of access to our kids' education, but it is also important for the social inclusion of many groups in our community.

As a sole parent, I know the ways that the internet is helping parents to stay connected with each other. When the kids are in bed by 9 pm, that is, my kids—on a good night—there is a spike in internet traffic of parents logging on. And they are doing all sorts of different things. Some are getting onto social media to chat about the day, to get advice or to vent with other parents about their latest parenting challenge. Some are pursuing a hobby or higher education. Some are accessing online counselling, checking their school calendar for the next day or just getting the shopping done.

Sadly, many parents in my own suburb of Dunlop do not get this opportunity. Like Mr Wall's experience in Fadden, our nearest exchange is three to five kilometres away and there is an ageing network internet that gets patchy—or "laggy", as described to me by my son—in times of peak demand.

While parents in the neighbouring suburb of new Macgregor, which has been connected to the NBN, are logging on to get support, clear the weekend shopping and learn new skills, too many parents in Dunlop, Holt and other areas of west Belconnen do not get that chance.

Hearing from Mr Wall today, we know that it is not just Dunlop and west Belconnen suburbs that are suffering. I know, from speaking to people all over Canberra, that internet connectivity is a problem, particularly in our established suburbs in Belconnen and Tuggeranong. These suburbs are places where connection is greatly needed. They are home to a large portion of our multicultural community who use the internet to access services in their home language and connect with their community around the globe.

For young people in Canberra's suburbs, internet is an important connection as they start the process of defining their lives for themselves. With kids entering their teens, we are both daunted and excited by the thought of them exploring new ideas, questioning the world around them and considering careers and life options that might not be part of their daily lives. We particularly know that the internet is an invaluable resource to young LGBTIQ people looking for information and support, and they deserve a connection, wherever they live.

This same connection to the internet is also important to women who have experienced domestic violence. By connecting online, women can seek counselling, have conversations with other women about their experiences, access resources and make plans for their lives when they leave a violent situation.

Finally, we know that as the community in both Belconnen and Tuggeranong are ageing, the internet will help them stay connected in their homes. There is a misconception that older people have not engaged online, but these numbers are increasing. They are on Facebook, connecting with kids and grandkids around Canberra, Australia and the world. They are pursuing a diversity of hobbies that 10 years ago we could not have imagined and they are accessing internet shopping and delivery that makes them less reliant on others.

As other members have spoken about today, the internet is bringing economic and educational benefits to our community. It is also bringing connection and inclusion to people who can sometimes be left out through circumstance and geography. To be real and to be fair, this inclusion cannot be patchy. It cannot come to some and not to others, or to one suburb but not the next.

Currently, we are stuck in a stalemate that has been caused by this federal government, with no plans to finish the NBN, and no action on upgrading our existing networks. I did LOL quietly to myself when Mr Doszpot was talking about the federal government currently considering broadband delivery as a priority when clearly it is not because, if it were a priority, we would not be having this conversation about west Belconnen or Tuggeranong today. This government believe that all Canberrans deserve a quality internet connection that delivers them the same opportunities, and I appreciate the opportunity to call on them to deliver.

If Mr Wall is fair dinkum about taking it up to the federal government, I would be absolutely happy to take him up on that offer and jointly, together, lobby the federal government to put Canberra on the radar when it comes to NBN access, so that every Canberran can be connected in the way that we know is important to them, creates better inclusion and a better and stronger community for everybody who lives here in the ACT.

*Discussion concluded.*

## **Planning, Building and Environment Legislation Amendment Bill 2015 (No 2)**

### **Detail stage**

Debate resumed.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

**MR GENTLEMAN** (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (4.32), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 2 at page 100*]. I table a supplementary explanatory statement to the amendments.

The government has amendments to the Planning, Building and Environment Legislation Bill 2015 (No. 2). It is an omnibus bill and the first amendment that we have here inserts an entirely new item into the bill. The government recently became aware of a minor drafting error in the wording of the electricity feed-in renewable energy premium rate determination 2011 (No. 1). This determination forms part of the ACT government's rooftop solar feed-in tariff scheme.

The determination, together with the Electricity Feed-in (Renewable Energy Premium) Act 2008, establishes the amount that electricity retailers must pay micro and medium renewable energy generators for the electricity generated. Section 8 of the act sets out the required percentage of a specified premium rate to be paid. This determination sets out what the premium rate is.

The determination is a disallowable instrument. Specifically, the 2011 determination refers to the premium rate for micro renewable energy generators. The unintended effect of this is that the premium rate for medium renewable energy generators has not been set. The determination should not have referred to the micro category exclusively but should have referred simply to renewable energy generators.

This amendment corrects that omission and will ensure that the premium rate will apply to both micro and medium renewable energy generators under the act. This gives effect to longstanding government policy and how the scheme has actually been administered since its introduction. It should be noted that this amendment does not change the premium rate itself and, despite the drafting issue, the scheme has always operated on the basis that the premium rate specified for micro renewable energy generators also applied to medium renewable energy generators.

As a matter of necessity, the amendment has retrospective application. This is required to confirm that any payments made to medium renewable energy generators under the 2011 determination are, and continue to be, valid. Despite the retrospectivity, there is no unfairness associated with the amendment. This is because it validates past actions which were undertaken on the understanding that they were valid. The amendment confirms the expectations of those who are impacted by validating the application of the applicable premium rate that has been government policy since 2011 and upon which the scheme has operated since. The amendment corrects an error to give legal effect to the accepted and widely understood position that the premium rate in the 2011 determination applies to all renewable energy generators.

The ACT government's rooftop solar feed-in tariff scheme has been a remarkable success. Approximately 10,000 solar systems have been installed across the territory, providing renewable energy from solar panels. The scheme has generated jobs in the ACT economy and contributed to a dramatic fall in solar panel prices and installation costs, making solar renewable energy a more accessible and attractive option.

This amendment will not affect the operation of the scheme or impact on any of those who participate in it. I thank members for their support of this.

**MR COE** (Ginninderra) (4.37): The opposition have real concerns with the approach being taken by the government here. Earlier today we heard Minister Corbell have a go at those in this part of the chamber about a so-called last-minute repechage. Indeed he said that we had months to get our head around something. Here we are in a situation where the government is introducing retrospective legislation through an amendment circulated at 11 am yesterday.

There are numerous issues with this approach. The first is, of course, the fact that it is retrospective legislation. That is something that we are extremely concerned about. Secondly, of course, and perhaps the bigger issue, is the actual problem at hand here, which is the fact that these, in effect, illegal or unauthorised payments have been made for five years. Indeed even after the government was made aware that this in fact was illegal or not authorised, the government still continued to make these payments, despite knowing that such payments were in fact not backed up by legislation.

To date I do not believe my office has been told exactly how much money has been paid over the course of the last five years through these illegitimate payments. In addition there is the fact that we also do not know how many such payments were made, not just the actual total of those. So we are very concerned, and we hope this does not become a precedent.

Given the government has known about this for several months, we were very surprised to get an amendment circulated just yesterday to this effect. So we are disappointed. We will be allowing the amendment to go through. However we do hope that the government does bear our concern in mind when future changes like this are required.

**MR GENTLEMAN** (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (4.40): I thank Mr Coe for his input into these changes. I assure him there is no intention of any illegality in regard to payments. The payment schedule was first announced when I brought in the feed-in tariff way back in, I think it was, about 2009 or 2008.

The system set up there—for Mr Coe—was that a premium rate would apply to all renewable energy generators and, depending on the size of the renewable energy generator, that rate would be of a percentage of the premium rate. So this is really just a tidy-up, as I said, of the previous writing in regard to micro and medium generators. It is appropriate that those tidy-ups are done, I think, in these omnibus bills. So I thank everybody for their comments.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Road Transport Legislation Amendment Bill 2015 (No 2)**

Debate resumed from 29 October 2015, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.41): The Canberra Liberals will be supporting this legislation. It is a bill that makes a number of changes to laws pertaining to road transport, licences and police powers with regard to drink-driving offences. It allows, as it states in the explanatory statement, for electronic service of infringement notices. Importantly, in addition to postal services currently required, it allows for infringement notice declarations to be completed online. It creates consistency in the appeal rights of drivers who face automatic disqualification of their drivers licence for drink and drug offences. That makes the ACT consistent with other jurisdictions. It changes and removes laws for police with regard to how they can deal with individuals who have potentially committed an offence of drug or drink driving, failed to stop or left a traffic accident and moved into, essentially, their residence. It means that the police have certain powers to go into someone's residence and complete testing.

There are a range of changes that make sense. When I looked at the scrutiny of bills report, which has made a couple of comments to the minister that have not required any response, I think these appear to be sensible changes and a move forward in terms of moving into the modern age, particularly with regard to the use of web and electronic-based devices for infringement notices and so on. We will support this legislation. But, like any changes, it will need to be monitored to make sure that, as it rolls out, it is effective.

**MR RATTENBURY** (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (4.44), in reply: I am pleased to close the debate on the Road Transport Legislation Amendment Bill 2015 (No 2) and I thank Mr Hanson for his comments today. The 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. Some of the amendments made by the bill will also support the government's digital Canberra action plan, allowing this government to better engage with citizens and deliver services more efficiently.

The first amendment removes from the Crimes Act a police power of entry to arrest for a drink or drug-driving offence. The existing provisions are 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 replaces this power with a limited power to enter premises to require alcohol or drug screening tests.

Noting the power allows people to enter into a driver's home, the bill appropriately requires a number of particular pre-conditions to be satisfied before the power can be exercised. The first of these pre-conditions is that police must have a reasonable suspicion that a person has committed a drink or drug-driving offence. The act does not prescribe the ways in which a police officer may gain such a suspicion, but in

practice it may arise where a police officer observes a driver driving erratically or exiting a licensed venue behaving in a way that suggests intoxication or impairment before driving a vehicle.

The second pre-condition is that police must have a reasonable suspicion that the person was 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 pre-condition is that police must have an existing power under the Road Transport (Alcohol and Drugs) Act to require that person to undergo an alcohol or drug screening test. The fourth pre-condition is that police must reasonably believe that that person is on the premises. Only if all these pre-conditions are satisfied are the police able to enter the premises to require the person to undertake a drug or alcohol screening test in accordance with the provisions of the Road Transport (Alcohol and Drugs) Act.

The existing restrictions on testing within the Road Transport (Alcohol and Drugs) Act will apply to testing undertaken in premises under these provisions. Testing will need to be undertaken within the existing time limits relating to how long after a person has stopped driving or is involved in an accident a screening test can be undertaken. For example, 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.

A further safeguard is that police officers who enter premises to undertake drug or alcohol screening tests must not remain there for longer than is required to conduct those tests. Any proposal to allow a police officer or other government representative to enter a person's home should rightly be properly scrutinised to ensure it is appropriate and there are no other reasonable alternatives.

The government has considered these amendments carefully and I am confident that they will help protect all road users. It is an unfortunate reality that a minority of drivers who are involved in a road accident leave the scene of the accident and enter and remain within premises, refusing police requests that they be tested for alcohol or drugs. Similarly, there is also a small minority 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.

As I have previously mentioned, the Road Transport (Alcohol and Drugs) Act imposes strict time limits on when alcohol or drug testing may be undertaken. A driver's refusal to leave the premises or to allow the police officer to enter to conduct the necessary testing means no evidence can be obtained to support an appropriate charge being laid against these drivers. I am sure all members of this place are aware of the significant dangers posed by drivers who drive while affected by alcohol or drugs. This amendment closes an existing loophole to ensure that drivers who flout our drink and drug-driving laws are detected and appropriately dealt with.

The bill will also create consistency in the appeal rights of drivers who face default disqualification of their drivers 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 courts have interpreted the current legislation so that only drivers who are sentenced by the court to a shorter period of disqualification are able to appeal the period of disqualification imposed. 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 third amendment made by this bill is to allow certain infringement notice declarations to be completed online. This is a sensible amendment that makes it easier for people who do interact with the ACT government—in this case through the Road Transport Authority. At the moment an infringement notice for an alleged road transport offence is served on the registered operator of the vehicle. If the registered operator was not the driver of the vehicle when the offence was alleged to have been committed, the operator may provide a statutory declaration to the Road Transport Authority declaring that he or she was not the person who has committed the offence and provide details of the person who is alleged to have been driving the vehicle. This is known as an infringement notice declaration.

The Road Transport Authority uses the information provided in this infringement notice declaration to redirect the infringement notice to the appropriate person. Currently a person who wishes to provide an infringement notice declaration has to do so in writing. This amendment will give a person wishing to provide an infringement notice declaration the option to do so electronically via an online declaration. The amendment will reduce the burden on operators of vehicles as well as the time and cost associated with mailing or delivering the completed declaration. It will also improve the Road Transport Authority's ability to process declarations in a timely manner.

The fourth amendment made by this bill will allow for the 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 registered mailing address. This amendment gives a person the option to voluntarily receive infringement notices through electronic means, such as email. This change reflects society's increasing preference to receive mail and other official notices electronically. Whether it is bills, bank statements or infringement notices, people are increasingly choosing to receive these communications through what they consider to be a more convenient method. There are also environmental benefits by reducing the unnecessary use of paper.

It is important to highlight that receiving infringement notices electronically will be optional. Drivers will continue to receive infringement notices in the mail if they did not choose to receive these notices electronically. There are also robust safeguards to ensure that if the Road Transport Authority receives an error message advising that the electronic communication was unsuccessful, the infringement notice is sent in the

mail to ensure that the notice is received. The Road Transport Authority will also continue to send reminder notices in the mail to those drivers who have not paid or otherwise disputed the infringement notice by the due date.

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 the period of their disqualification reduced by the number of days their licence has been suspended since receiving an immediate suspension notice. This reduction does not apply to interstate and foreign drivers licence holders. The amendment ensures that all drivers, whether they hold an ACT, interstate or foreign driver licence, are treated equally in this regard. All drivers will have their period of disqualification as imposed by the court reduced by the length of time that has passed since their licence was suspended following a police officer issuing them with an immediate suspension notice. 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 that they are not aware of the suspension of their drivers licence and the implications of this in prosecutions for unlicensed driving. ACT Policing officers regularly encounter drivers whose licences have been suspended who claim that they were not aware of the suspension. Drivers often claim that they did not receive a licence suspension notice issued by the Road Transport Authority. 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. This amendment ensures that where a suspension notice has been sent to a person and police encounter the person after their licence has been suspended, the police officer's advice to the driver that their licence has been suspended will be treated as formal advice of suspension.

Police will advise the Road Transport Authority when they have informed a driver of this 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 allow the prosecution to prove that the driver was made aware of their licence suspension.

Madam Speaker, this bill supports the government's ongoing efforts to improve road safety and reduce anti-social driving behaviour on our roads. I commend the bill to the Assembly and thank members for their support today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.



Bill agreed to.

## Adjournment

Motion by (**Dr Bourke**) proposed:

That the Assembly do now adjourn.

## Centenary of the Returned and Services League

**MR COE** (Ginninderra) (4.56): I rise this afternoon to speak about the Returned and Services League of Australia, the RSL. Last November I was privileged to attend the launch of the centenary year of the RSL at the National Library. Founded in 1916 the RSL is one of Australia's oldest and most respected national organisations. For 100 years it has supported serving and ex-service defence force members and their families around Australia. This is incredibly significant work. The RSL preserves the memory of those who have suffered and died in the service of our nation. It provides welfare and assistance to members, their partners and their children and it supports those making the transition to civilian life. It is non-partisan political, it is not sectarian, it is bound together by the shared experiences of men and women, and it has a deep and ongoing commitment to the welfare of this country and its people.

Led by Rear-Admiral Ken Doolan AO RAN as national president since September 2009, the RSL continues to advocate on behalf of serving and former defence force personnel. Here in the ACT the RSL is led by: Peter Eveille; deputy president, Jim Gilchrist; vice presidents, Mrs Sandra King and Mr Gerard Pratt; treasurer, Mr Peter Collas; chief executive officer, Mr James Davidson; welfare officer, Mr Peter Collas; office manager and website administrator, Mr Dave Mills; the editor of *Stand To*, Mr John King; branch auditor, Mr Kim Hannah FCA; and Capital Lawyers serve as the branch solicitors.

I also pay tribute to the leadership of each of the sub branches in the ACT as part of the ACT sub branch, including: Barton-Capital, Mr David R Cossart; Belconnen, Air Vice Marshal Mac Weller AM (Ret'd); Campbell-Russell, Robin Vickery; the City of Canberra, Jan Paulga; Gungahlin, David Franklin; Hellenic, Mr Peter Tsikleas; Peacekeepers, Gary Brodie OAM; Tuggeranong, David Woolf; Vietnamese sub branch, Vy Tran; Woden Valley, Jim Gilchrist; and the overseas sub branches forming part of the ACT branch from Port Moresby, Mr Glenn Maitland; Subic Bay in the Philippines, Mr Albert Clifford; and in Washington, USA, Colonel Dr Richard Southby. I thank them all for their military service to Australia and for their ongoing service to their communities here in Canberra and elsewhere around the world.

In June this year the RSL will hold its national conference in Melbourne. I understand this year's conference not only will touch on the history of the RSL but also focus on the ways the organisation is continuing to evolve as it serves a new generation of members and veterans. We should be grateful for the important role the RSL continues to play in our community and for its work in helping serving and former members of our defence force and their families.

**Legislative Assembly—church service**

**MR DOSZPOT** (Molonglo) (4.58): Yesterday morning I and my Canberra Liberal colleagues and many of our staff had the pleasure of attending a service of prayer and worship to mark the opening of the ACT Legislative Assembly year. This year the service was held at St John's Church at Reid, an important church in the history of Canberra as the church pre-dates the establishment of Canberra, as the Rector of St John's, the Reverend Paul Black, was very proud to tell us.

The now annual ecumenical service was arranged by the Canberra clergy, and I believe an invitation to attend was extended to everyone who works in this building. I thank Reverend Paul Black for welcoming us to his church; the Right Reverend Stuart Robinson, the Anglican Bishop for the Archdiocese of Canberra and Goulburn, for his sermon; the Reverend David Campbell from St Andrews Presbyterian Church for his words and prayers; and Margaret Rodgers for her involvement and for her reading.

Morning tea was graciously provided by St John's Care, and I thank them for doing so. For those who are not familiar with the work of St John's Care, as their literature tells us, they aim to bridge the gap and break the cycle of disadvantage, isolation and economic hardship with compassion, advocacy, respect and encouragement through the provision of emergency relief and other programs. It is a parish-based Anglican organisation working in partnership with Anglicare, funded primarily through donations from community and church groups, businesses and individuals and, they advise, is proudly staffed by both volunteers and professionals.

It was a pleasant way to start the new parliamentary year, and I place on record my appreciation and thanks to those who were instrumental in arranging this service.

**Irish language**

**MR SMYTH** (Brindabella) (5.00): I begin with an apology to speakers of the Irish language in Australia as I am about to butcher much of their pronunciation, but I will endeavour to do what I can in the spirit of multiculturalism in the ACT. Scoil Teanga 2016 was held from 23 to 26 January at the Bush Capital Lodge in O'Connor. It was a very successful celebration of Irish language and culture and was held over the Australia Day long weekend in Canberra. Gaelige, or Gaelic, was the Irish language spoken at the Scoil Teanga inaugural Irish language summer school. The official opening of the summer school was hosted by Ambassador Noel White of the Embassy of Ireland on Saturday evening, the 23rd. The 64 attendees were invited to bring their partners, and special guests were also invited.

A local band played Irish tunes during the evening. The school participants came from Ireland, Western Australia and South Australia as well as Victoria and New South Wales. A good representation of Irish residents also attended this event. Funding for advertising and promotion was granted by the Irish Embassy.

Classes offered over the weekend were at five levels, from the beginning student level to advanced conversationalist. Teachers of a high standard came from both Melbourne and Sydney language schools as well as from our own local Irish linguist, appropriately named Barney Devlin.

The curriculum theme of the summer school was to prepare students of the Irish language to take the Teastas Eorpach na Gaelige, or the TEG exam, an internationally recognised qualification. Cultural activities offered to participants were those of Irish dancing, singing, and playing of the Irish drums, bodhrans, and the craic, Irish for good times, as well as Irish scriptwriting and old Irish as a language.

At the 2015 Daonscoil in Bacchus Marsh, Victoria, Kaaren Sephton was invited by the Irish Language Association of Australia to explore the possibility of holding a summer school in Canberra. Being convinced that such a summer school would be a success, Kaaren formed a small team and organised the Scoil Teanga for 2016. It is the role of the Irish Language Association of Australia to select the location for the 2017 summer school. Irish summer schools in Australia, or the Scoil Samhraidh na hAstraille, are held annually in Australia.

In 1993 a relatively newly arrived Irishman named Mairtin O Dubhlaigh, better known as Martin O'Dooley, had been doing much to help teach and preserve Irish in Sydney and decided that a two-week intensive summer school would be a great idea. Largely singlehandedly, Martin organised the Scoil Samhradh na hAstraille, the summer school of Australia, to be held on a rural property, Nanangroe, in the foothills of the Snowy Mountains near Tumut. He chose this location as it is reasonably accessible to both Sydney and Melbourne, and the event attracted around 30 keen Irish speakers from all over Australia and a couple of notable tourists from Ireland.

The event was a great success and encouraged Martin to continue with the Scoil in the second half of January each year. The school was located at Nanangroe for four years from 1994 to 1997, then moved to Carcoar, west of Bathurst, around 250 kilometres from Sydney, starting in 1998, when it became clear that with lesser demand from Melbourne it made sense to move the event closer to Sydney. Dwindling demand resulted in the last Scoil Samhradh na hAstraille in Carcoar in the year 2000.

Following the success of the Scoil Samhradh na hAstraille, the Cumann Gaelige na hAstraille, the Irish Language Association of Australia, resolved to run their own summer school as a more accessible event for their Melbourne members. The first event, called the Scoil Samhradh Gariwerd, was held in the Grampians in the Western District of Victoria in November 1995. It was successful enough to encourage the organisers, and so it was run again about a year later, in the second half of January 1997, in south Gippsland. In 1998 the event was moved, again in Gippsland. It was subsequently moved to venues around Bacchus Marsh, only 16 kilometres west of Melbourne.

For 2016 the Cumann passed to the new ACT team to carry on the Daonscoil in Canberra. The Canberra team formed the Canberra Irish Language Association and held the first event in January this year. Over the four days, as I have said, it was a great success with around 65 participants.

There is a long history of Irish being spoken in Australia. Father Michael O'Sullivan began calling for events in New South Wales equivalent to those which were being held in Victoria. In 2003 Marcas de Faoite, Mark White as he is in English, took up the challenge and set up a summer school also in Sydney.

The language is alive and well. Participants are coming. Great thanks to the Irish Embassy for the support in holding it in Canberra this year.

### **Jerrabomberra wetlands Mulligans Flat woodland sanctuary**

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (5.05): I rise this evening to talk about the great work being done at one of Canberra's best kept secrets, the Jerrabomberra wetlands. Many people do not realise we have such a significant and unique natural wonder right here in the heart of our city nestled between Fyshwick and the Kingston foreshore.

On Sunday I was delighted to get along to the Jerrabomberra wetlands for their community open day, which coincided with World Wetlands Day, celebrated last week on Tuesday, 2 February. Sunday was a beautiful day for a visit to the wetlands, and I took my daughters along to see some of the native wildlife up close, do some bird watching and take a stroll around Kellys swamp, with fine guidance from members of the trust.

The Jerrabomberra wetlands nature reserve has been giving residents and visitors the opportunity to experience the wonders of nature for 25 years and has been recognised as an important waterbird habitat for some 50 years. Over 200 bird species have been recorded in the wetlands, and it also supports platypus, turtles, frogs and other native wildlife. It is also a refuge for migrating birds from the Northern Hemisphere, including Latham's Snipe. Latham's Snipe is a migratory wader, moving to Australia in our warmer months. Birds may fly directly between Japan and Canberra just to come to our wetlands. It is good to see they are taking advantage of international flights to Canberra as well.

The open day on Sunday was great. There were activities for the whole family, including wetland discovery walks, heritage tours, live music, art displays, Indigenous cultural activities, outdoor photographic exhibitions, bug sorting, a variety of children's activities, food stalls, and more.

The Woodlands and Wetlands Trust board was established to work with both the Mulligans Flat woodland sanctuary in Forde and Jerrabomberra wetlands to sustainably manage these rich and diverse environments for current and future generations. Both the Jerrabomberra wetlands nature reserve and the Mulligans Flat woodland sanctuary have management committees, and these committees work closely with the ACT Parks and Conservation Service in TAMS to deliver programs to the community that aim to realise the vision and objectives of both reserves.

I was also thrilled to show some of my colleagues around Mulligans Flat woodland sanctuary last week as part of the pop-up cabinet in Gungahlin. It is a fantastic place that is reintroducing otherwise extinct animals onto the mainland of Australia, animals like the bettong and the curlew. Both sanctuaries are managed by talented and passionate people who obviously love what they do and are only too happy to show you around and answer any question you can throw at them.

Together the Mulligans Flat woodland sanctuary and Jerrabomberra wetlands nature reserve protect over 600 hectares of the ACT's most significant landscapes. These reserves showcase the importance of environmental assets in our communities. It is remarkable that even with burgeoning urban development right on their doorsteps these areas can support the territory's most diverse bird habitats and the region's largest protected area of yellow box-Blakely's red gum grassy woodland, which is listed nationally as a critically endangered ecological community.

We are so lucky to have these natural wonders right here in the ACT, and I know there are exciting times ahead for the programs that are being undertaken. People are already coming from near and far to see these natural wonders, and I encourage anyone who has not been there already to check out the wetlands and Mulligans Flat. They are a wonderful asset so close to our city.

I thank members of the Woodlands and Wetlands Trust that guided us through both Mulligans Flat and Jerrabomberra woodlands last week: chair, Alison Russell-French; trust board members, David Shorthouse and Malcolm Forbes; CEO of the trust, Jason Cummings; volunteer, Ian Lawrence, chair of the Jerrabomberra Wetlands Management Committee, and Professor Adrian Manning from the ANU who works collaboratively with the trust and Mulligans Flat.

Question resolved in the affirmative.

**The Assembly adjourned at 5.10 pm.**

## **Schedules of amendments**

### **Schedule 1**

#### **Protection of Rights (Services) Legislation Amendment Bill 2015**

##### Amendments moved by the Attorney-General

**1**

**Clause 17**

**Proposed new section 21 (1) (ab) (iv) and (v)**

**Page 13, line 5—**

*omit*

**2**

**Clause 28**

**Page 18, line 12—**

*oppose the clause*

**3**

**Clause 29**

**Page 19, line 7—**

*oppose the clause*

**4**

**Clause 30**

**Page 19, line 11—**

*oppose the clause*

**5**

**Clause 31**

**Page 19, line 18—**

*oppose the clause*

**6**

**Clause 43**

**Proposed new dictionary definition of *victims of crime service complaint***

**Page 23, line 11—**

*omit*

**7**

**Schedule 1, part 1.3**

**Amendment 1.22**

**Page 42, line 4—**

*omit the amendment*

---

### **Schedule 2**

#### **Planning, Building and Environment Legislation Amendment Bill 2015 (No. 2)**

##### Amendments moved by the Minister for Planning and Land Management

**1**

**Clause 3**

**Proposed new dot point**

Page 2, line 11—

*insert*

- *Electricity Feed-in (Renewable Energy Premium) Act 2008*

2

**Proposed new part 2A**

Page 3—

*after the table, insert*

**Part 2A                      Electricity Feed-in (Renewable Energy Premium)  
Act 2008**

**4A                      New part 10**

*insert*

**Part 10                      Transitional—Planning, Building and Environment  
Legislation Amendment Act 2015 (No 2)**

**30                      Effect of Electricity Feed-in (Renewable Energy Premium) Rate  
Determination 2011 (No 1)**

- (1) The *Electricity Feed-in (Renewable Energy Premium) Rate Determination 2011 (No 1)* (DI2011-48) (the **determination**) has effect, and is taken to have had effect on and after 1 July 2011 until it is revoked, for all purposes as if the references in the determination, section 4, to Micro Renewable Energy Generators were references to compliant renewable energy generators.
- (2) Without limiting subsection (1) and to remove any doubt, any payment made by a NERL retailer under section 6 (3) (Feed-in from renewable energy generators to electricity network) in accordance with section 8 (Payment for electricity from renewable energy generators) using the premium rate determined under the determination is taken to be, and always have been, a valid payment.

**31                      Expiry—pt 10**

This part expires on the day it commences.

*Note 1*     If a law validates something, the validating effect of the law does not end only because of the repeal of the law (see Legislation Act, s 88 (1)).

*Note 2*     The expiry of transitional provisions does not end their effect (see Legislation Act, s 88).