Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

16 FEBRUARY 2016

www.hansard.act.gov.au

Tuesday, 16 February 2016

Tuesday, 16 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.

Justice and Community Safety—Standing Committee
Scrutiny report 41

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

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 41, dated 15 February 2016, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 41 contains the committee's comments on one bill, 48 pieces of subordinate legislation, one government response and one regulatory impact statement.

The committee would like to record its concern about the quality of the drafting of the subordinate legislation and explanatory statements dealt with in this scrutiny report. While the subordinate legislation is relatively modest in number, the committee has identified numerous issues with the subordinate legislation—some of them recurring, some of them quite serious.

In particular, the committee notes its comments in the scrutiny report about subordinate law SL2015-41, being the Health Amendment Regulation 2015 made under the Health Act 1993. This subordinate law makes three amendments to the Health Regulation 2004. The first, set out in section 5 of the subordinate law, amends subsection 5(2) of the Health Regulation by replacing the previous requirement that the minister determine criteria applicable to a decision by the relevant director-general to approve a position as a nurse practitioner position, under section 8 of the Health Regulation, by disallowable instrument, with a requirement that the minister do so by a notifiable instrument. This means that the relevant criteria go from being disallowable by the Legislative Assembly, and subject to scrutiny by the committee, to merely having to be notified on the ACT legislation register. The explanatory statement for the subordinate law offers no explanation as to why an instrument that was previously considered to require scrutiny by the Legislative Assembly, and be subject to disallowance, should now be removed from that scrutiny.

Given the importance of the supervisory role of the Legislative Assembly and the committee in relation to such instruments, the committee considers that an explanation ought to be provided for the diminution of the role of the Legislative Assembly and the committee in this instance.

Given that members of the Legislative Assembly may have to give serious consideration as to whether it is appropriate to move a motion to disallow this provision, the committee has sought the minister's urgent advice as to why it is necessary to remove the disallowance mechanism that currently applies in relation to subsection 5(2) of the Health Regulation 2004.

Similarly, other sections of this subordinate law remove current requirements that certain instruments be notifiable instruments, meaning they are required to be notified on the ACT legislation register, and replace them with the requirement that they be notified on an external website—that of the Australian Health Practitioner Regulation Agency. By way of justification for these measures, the explanatory statement for the subordinate law states:

> The removal of the need to notify these positions will help to streamline the approval process and will allow the scope of their practice to be established in a more timely manner. Any need to notify the general public regarding the scope of their practice can effectively be done by notification on the AHPRA website rather than by way of a notifiable instrument.

It is not immediately evident why it would be "more timely" if the relevant instruments are notified on the AHPRA website rather than the ACT legislation register. Given that members of the Legislative Assembly may have to give serious consideration as to whether it is appropriate to move a motion to disallow these provisions, the committee has sought the minister's urgent advice as to why it would be "more timely" if the relevant instruments are notified on the Australian Health Practitioner Regulation Agency website rather than the ACT legislation register.

The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Public Accounts—Standing Committee
Report 22

MR SMYTH (Brindabella) (10.06): I present the following report:

> Public Accounts—Standing Committee—Report 22—*Review of Auditor-General's Report No. 1 of 2015: Debt Management,* dated 2 February 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I thank the Assembly for the opportunity to speak to this report today. This is an interesting report that the auditor did on how the government manages debt: moneys that it is owed. The committee decided, following a briefing from the auditor and with the government's submission in hand, that we did not have to do a full-blown public inquiry. Our inquiry consisted of taking the report and having a briefing from the

Auditor-General. We received the government's response to the report. As a consequence we have come up with two recommendations. The first recommendation is:

> The Committee recommends that the ACT Government should give further consideration to a whole-of-government approach to debt management—specifically, in the first instance it should undertake a strategic whole-of-government review of debt management arrangements as a means of determining a framework for such an approach and its subsequent implementation.

Recommendation 2 is:

> The Committee recommends that the ACT Government inform the … Assembly by the last sitting day in May 2016 as to the parameters for its review of existing debt management processes—with particular reference to: (i) whether the discussion paper being developed by Shared Services for the purposes of 'commencing dialogue on the matter with the directorates' is complete—and if not, expected completion date; (ii) detail on specific review milestones; and (iii) expected timeline for completion.

I would like to thank members for their assistance in putting this report together. Ms Fitzharris was just a humble member of the Assembly then, before her elevation. We thank her for her assistance, as well as, of course, Ms Porter and Ms Lawder. A number of secretaries helped during the period. I think Dr Cullen was there when we started. Ms Harkins took over for a brief time and Dr Cullen is now back in the position to help us complete the process. With that I commend the report to the Assembly.

Question resolved in the affirmative.

Report 23

MR SMYTH (Brindabella) (10.08): I present the following report:

> Public Accounts—Standing Committee—Report 23—*Review of Auditor-General's Report No. 7 of 2015: Sale of ACTTAB,* dated 2 February 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The Auditor-General decided to do an audit of the sale of ACTTAB. It came about in order to provide an independent opinion to the Assembly on the probity of the sale of ACTTAB. There were a number of recommendations in the report. In fact there was one large recommendation that had four parts to it. The auditor found that there were issues with risk management, evaluation criteria, the probity plan and probity adviser role, and documentation and record-keeping as required. That report was tabled in this place on 26 June last year.

On 15 October we had a briefing from the Auditor-General. In the interim the government had tabled its response to the report on 15 September. With that, the committee felt that it had enough information to write a report, which we have done, and which I table today, and it contains four recommendations. The first is:

> The Committee recommends that the ACT Government should ensure that all future procurement action conforms appropriately with risk management …

Recommendation 2 is:

> The Committee recommends that ACT Government directorates and agencies should ensure recordkeeping procedures …

Recommendation 3 is:

> The Committee recommends that the ACT Government should remind all … directorates … of the importance of good records management …

Recommendation 4 is:

> … that the … Government should remind all … Public Servants of their obligation to ensure that accurate records of key … discussions …

We have had a number of debates in this place before about the sale of ACTTAB. Certain things were on the table for discussion. One firm certainly made an interesting bid and got a great outcome. The question remains: did the people of the ACT get the outcome that they deserved? I guess we will never know, again because of the way the process was handled.

I would again say thank you to the members: Ms Fitzharris, Ms Lawder and Ms Porter. Again Dr Cullen was there at the start; Ms Harkins ran the committee for a little while until Dr Cullen's return from overseas. With that I commend the report to the Assembly.

Question resolved in the affirmative.

Ministerial priorities
Ministerial statement

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (10.11): I am honoured to be making my first ministerial statement today. I am proud to be able to report on the excellent work already underway in my new portfolios and excited to report on the work ahead to contribute to this government's vision and plan for Canberra as a smart, sustainable and healthy city.

We know that Canberra is a great place to live. We all value our quality of life—being able to move around easily, get to work on time, visit the shops and see people we care about. We value our urban environment, our open spaces and our playgrounds.

We value being able to walk and cycle safely around our city. This all contributes to the quality of life here in Canberra.

Canberra is growing, and this presents challenges as well as opportunities. Over the next two decades, Canberra's population will increase to half a million. We are a growing city that is becoming more attractive to people from interstate and overseas. As Minister for Transport and Municipal Services, one of my top priorities will be overseeing the introduction of transport Canberra. Transport Canberra will coordinate transport modes across the city, from walking and cycling infrastructure through to buses and light rail.

The future of transport networks is a key part of every state and territory government's economic and social agenda, the ACT's included. We know that the more easily and seamlessly people can move around cities, the more prosperous, productive, healthy and happy they are. Many of us already use multiple modes of transport; we drive, walk, cycle and catch public transport. Transport Canberra will have a strong aim to make the use of such transport, and any changes, as seamless as possible.

Many of us come from larger cities where using multiple modes of transport is commonplace. On our trips to Sydney, most of us will likely catch the train, bus or ferry. In Melbourne we might jump on the tram—synonymous with Melbourne as a modern city that is easy to get around. At the Gold Coast, people in large numbers are travelling on the new light rail. And like the Gold Coast, Sydney and Adelaide both have light rail projects that are expanding. This government is committed to making sure Canberrans can soon add light rail to their transport options.

The Chief Minister, Minister Corbell, and my colleagues have spoken of the importance of the light rail as a transport investment and as a driver of economic growth and jobs. These are all important, and light rail has an important role to play in our city's future. Yet light rail is just one component of an integrated transport network. Indeed integrated transport systems are essential to the success of modern cities.

To achieve this integration and align our transport modes, the ACT government will establish a new transport agency on 1 July 2016: transport Canberra. I am proud to oversee the introduction of this important agency. Transport Canberra's goal will be to provide a transport system that is integrated, convenient, reliable and efficient. It will seek to ensure that our buses and light rail planning and operations are integrated with one another, and operate smoothly with other forms of transport, including our cycling and walking networks. It will also seek to operate with innovations for the community's use of motor vehicles, innovations such as the introduction of ride sharing, and autonomous vehicles, that are likely to play a role in our city's transport future. Transport Canberra will also forecast and meet the transport needs of a growing city, offering genuine alternatives to driving. And it will encourage innovative approaches to driving, parking and traffic management.

Across our public transport system, transport Canberra will deliver one ticket, one fare, one network across Canberra. It will have a strong customer service focus and a

goal of winning new public transport customers. Key to this goal will be strengthening our understanding of what customers want and how they would like to use our transport system.

Today I am pleased to announce that we will be undertaking a comprehensive customer survey over April and May to inform our strategic planning for transport Canberra. We want to hear from the community about our public transport system. In particular, we are keen to learn more about how we can encourage more Canberrans to start using public transport.

Of course, the ACT government is already enacting important customer service initiatives when it comes to public transport, like ACTION's performance dashboard that provides regularly updated data on reliability and on-time running and the 12-month trial of free wi-fi on five ACTION buses.

As minister I will continue to actively explore innovations across our transport system. For example, there are other exciting developments in public transport ticketing technology such as fare payments with e-wallets on smart phones, and integrating other functionality into the accounts that sit behind our ticketing system. We will explore new and innovative systems, with transport Canberra responsible for introducing a new, integrated ticketing system across buses and light rail.

Public transport is and always will be central to a well-functioning modern city. Also key, however, to any integrated transport network will be our high quality road network and our walking and cycling infrastructure. As minister, I will seek to ensure that we get the balance right, but that we remain clear eyed about the future of our transport network. We must ensure the road network in our growth areas is able to reasonably carry the capacity of its population, as older parts of our city have done. Our future is not, however, in more and wider roads that lead to more congestion. Our future is in an integrated transport system that enables choice for Canberrans.

Canberrans will make decisions for their preferred mode of transport at different times or circumstances in their lives. Many Canberrans will continue to own cars, as well as catch buses, catch light rail or walk or cycle. For example, while young families with drop-offs at child care and primary school may well need cars, if they cannot afford one or do not want one, we need to improve our system for them. As their children age, parents will value highly a reliable, safe and integrated public transport system that will enable their kids to travel to school, for leisure or for part-time work. As we take the burden off our road network, it will be freed up for those people who need to drive. I am confident that the ACT Labor government is setting in place the long-term strategies and investment in public transport that will support Canberra's growth.

Another of this government's key priorities is urban renewal and the reinvigoration of our suburbs. The ACT government manages and maintains the public spaces at 89 local shopping centres. These shopping centres are close to the hearts of many Canberrans. Our shopping centre upgrade program is focused on improving these community hubs. This ongoing investment creates safe, accessible and welcoming public spaces, which contribute to revitalising local centres and their commercial viability. Throughout this financial year, seven local shops are being upgraded, designed in consultation with the local community, traders and leaseholders.

Construction is currently underway at Cook, Rivett and the Kambah shops at Mannheim Street. These upgrades focus on a range of improvements, from improving pedestrian access, modernising public spaces, providing more seating and shade, parking for people with disabilities, and expanding the options for outdoor dining. Upgrades will also soon begin at Florey, Evatt, Torrens and Hughes local centres.

In addition, the government is currently delivering a number of projects that will implement the first stages of master plan visions for Erindale, Weston, Kambah and Tuggeranong group centres. I am looking forward to the works getting underway along Gartside Street south in Erindale, Brierly Street and Trenerry Square in Weston and Anketell Street north in Tuggeranong. The improvements will focus on resolving parking and traffic issues, improving pedestrian access and creating and modernising the street character to encourage economic activity and active lifestyles.

Consultation has been underway with local communities and traders across these shopping centres. As minister, I am keen to explore how we could further collaborate with local business owners, with the possibility of co-funding improvements for shopping centre investment to get even more bang for our buck. I look forward to working with Dr Bourke, the minister for small business, on such initiatives.

The ACT government is also committed to providing our suburbs with the latest infrastructure to encourage outdoor activity, support healthier lifestyles and encourage social connections. Like shopping centres, playgrounds hold a special place in the heart of many Canberrans. Our playgrounds are vibrant hubs for families, playgroups, birthday parties for young and old, multicultural gatherings, and fitness activities like boot camps and park runs. The community parks at Crace and Franklin are outstanding examples of modern facilities that cater for the changing needs of our community. Likewise, new natural playgrounds are being considered that enable kids to play in a different way.

Fitness equipment at our local parks is also very popular. I was pleased to announce the location of the fitness equipment at Yerrabi Pond district park in Gungahlin recently and look forward to announcing equipment for Eddison park in Woden very soon. Last week I was pleased to announce the tender for new equipment for the popular Point Hut playground in Tuggeranong. These investments across our city show our commitment to investing in community infrastructure in our suburbs. As with our local shops, as minister I will be keen to hear from the community about innovative ways we can collaborate with local communities and businesses to further improve our playgrounds.

The quality of Canberra's urban environment is intrinsically linked to our excellent health outcomes. We are vigilant about maintaining our clear air, clean drinking water, access to healthy and safe food, open spaces and parkland for recreation, and access to opportunities for healthy, active lifestyles.

To build on our healthy environment, the ACT has a strong record in taking a proactive approach to health promotion, health protection and disease prevention activities. We lead Australia in several areas in relation to the general health of the ACT population.

The ACT consistently leads Australia in childhood immunisation rates, with the latest quarterly report from the Australian childhood immunisation register showing the ACT achieved 94.9 per cent immunisation coverage for children aged 12 months. We also lead the way in tackling smoking, with the ACT's daily smoking rate for adults the lowest in Australia at 9.9 per cent. However, health challenges remain. Approximately 63 per cent of adults and 22 per cent of children in the ACT are overweight or obese. We want this percentage to reduce so that more people live their lives to the fullest and remain healthier for longer.

We know that being overweight or obese can lead to long-term health problems, potentially diminishing a person's quality of life and their long-term health and putting additional strain on our health system. This is why the ACT government developed the healthy weight action plan and funded a range of initiatives to deliver on this plan. Programs like the successful fresh tastes program work across our primary schools to increase the availability and knowledge of healthy food and drink choices through schools.

Further, the ACT health promotion grants program provides around $2 million in grants each year to local organisations. Just one of many successful examples is the ride or walk to school initiative, which helps schools promote active travel by providing cycling equipment, teacher training and resources such as road safety training to encourage more children to ride or walk to school. The success of this initiative is necessarily a collaboration between the government, the community, non-government organisations and businesses. We are realistic about people's lives, about the busy realities of many families, and, for many of us as parents, about the tastebuds of children.

As a government, we have a responsibility to the community to encourage healthy lifestyles and to encourage informed debate and decision-making. We need to set the bar high, we need to make healthy choices easier, and at times we may need to take regulatory action, but that should be as a last resort. We all have a responsibility for a healthy future for our city. Keeping Canberra healthy is a key priority of this government and will be a focus for me as the Assistant Minister for Health supporting Minister Corbell's work to improve Canberrans' access to high quality, timely health care.

This government has made significant investments in our six community health centres and two nurse-led walk-in centres at Belconnen and Tuggeranong health centres. Our health centres offer a comprehensive range of services to the local community. They are person centred and cutting edge. In my inaugural speech I talked about the importance of preventive health to our quality of life and to our community's wellbeing. Our investments in services and facilities closer to where people live and in the early stages of illness or injury are a key part of our health system.

As Assistant Minister for Health, I look forward to further improving Canberrans' understanding of the services available at our health centres and access to these essential health services.

Finally, I am also delighted to take on the portfolio of Higher Education, Training and Research. I spoke last week about the enormous contribution this sector makes to the local and regional economy. We have nationally and internationally recognised research and education institutions right here in the ACT. The ANU tops Australia's university rankings, and sits amongst the world's top research universities. The University of Canberra is continuing to increase its global standing, and has an exciting plan for developing its campus into a modern and innovative hub, including an exciting health precinct.

We are also fortunate to have the University of New South Wales Canberra, the Australian Catholic University, Charles Sturt University and the Canberra Institute of Technology. These institutions give Canberra an edge as a world-class knowledge economy. We also benefit from university researchers at the ANU and UC and the research work of organisations such as CSIRO and Data61. Their successes serve to strengthen our economy.

We can all be proud that Canberra is a world-class destination for students from all over the world. It is wonderful that so many students seek to come to Canberra to gain the skills and knowledge that will help them build their futures.

I look forward to working with our vocational training sector, which has taken great steps forward in recent years, to ensure the sector is responding to the needs of the ACT. I look forward to working with the new board and Chief Executive Officer of CIT, Canberra's largest provider, as they plan for CIT's future and an exciting future for their staff and students. I especially look forward to the Tuggeranong campus opening later this year, which the previous minister, Ms Burch, was so instrumental in establishing.

My first qualification after school was from a vocational training institution, a qualification that led me to my first full-time job. After a few years, I embarked on six years on university campuses as a student and tutor, including periods overseas for research and intern opportunities. The knowledge and skills I learnt gave me enormous opportunity.

As minister, I will be keen to focus on increasing the connections between our educational institutions and our business and community sectors. We can be a nation-leading jurisdiction for the export of smart ideas and smart solutions that have their genesis in our higher education, research and training institutions.

I will be keen to work on increasing research collaboration across institutions, and between government and the private sector. We must find new ways to harness the knowledge, skills and innovation in our city, to drive prosperity and equality. Our educational institutions can be among the most powerful drivers of opportunity and equality. We should make sure we are maximising every opportunity to develop educational pathways to prosperity.

I know of the Chief Minister's deep commitment to education, and I look forward to working with him, Mr Rattenbury and my colleagues as we continue to build on our strengths and make Canberra truly a smart city, an education city.

It is a privilege to outline my priorities for these important portfolios today. This government is determined to see our city thrive as a sustainable and smart city, where active travel and healthier lifestyles are made easier and people with ideas and innovation are given every opportunity.

As minister, I will continue my open and collaborative style. I will seek out new partners and encourage new ideas. I will work with people to find smart ways for government, the community and business to work together to deliver for Canberrans. I will encourage smart investment and recognise our responsibility to manage our public finances prudently. I promise I will always seek to explain the tough decisions facing the government. I will look forward to working with my dedicated colleagues, the stakeholders across my portfolios, and the talented and hardworking staff of the ACT public service. Above all, I look forward to continuing to work with the Canberra community, and in particular the people who put their trust in me to represent them here. I present the following paper:

> Ministerial priorities—Ministerial statement, 16 February 2016.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Ministerial priorities
Ministerial statement

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) (10.28): Madam Speaker, I am pleased to be extended the opportunity to serve the people of the ACT as a minister in the Barr Labor government. Across my portfolios we are seeing some significant reforms that have at their core one important aim: better lives for the people of Canberra.

As Minister for Aboriginal and Torres Strait Islander Affairs, I am committed to promoting the immense contribution that our first peoples make to our community and providing support where it is needed. One of the landmark developments of 2015 was the ACT Aboriginal and Torres Strait Islander agreement 2015-18, which provides a new whole-of-government approach to policy, program and service delivery for the ACT Aboriginal and Torres Strait Islander communities.

A number of initiatives are being progressed under the agreement. These include a review of the Aboriginal and Torres Strait Islander Elected Body Act 2008 to improve community engagement and representation of community concerns to government, and the Aboriginal and Torres Strait Islander justice partnership 2015-17, a targeted approach to reduce over-representation of Aboriginal and Torres Strait Islander people within the ACT justice system. Collaboration with the ACT Aboriginal and

Torres Strait Islander Elected Body remains a hallmark for improving outcomes for Aboriginal and Torres Strait Islander Canberrans and I look forward to working with the elected body in the coming months.

As Minister for Children and Young People, I am pleased to confirm that we are continuing to move ahead with the very significant reforms started by my predecessor, Minister Gentleman. Implementation of the government's five-year strategy, A step up for our kids, is well underway. Some of the achievements so far include new services delivered by Uniting to keep children at home with their families or return them home as soon as it is safe to do so; the new birth family advocacy support service providing independent advice and support to empower birth parents in their engagement with statutory services; and the rollout of new training in trauma-informed care to foster carers and kinship carers.

A step up for our kids is changing the way we deliver services to vulnerable children, young people and their families, and I look forward to providing updates to the Assembly as these changes continue to be implemented. I also look forward to working collaboratively with Assembly colleagues on a final amendment to the Children and Young People Act in the coming months.

Another initiative is the $1.3 million expansion of the growing healthy families program. This program uses a community development approach to engage, support and link Aboriginal and Torres Strait Islander children and their families to services and culturally informed programs. With the additional funding, growing healthy families has expanded services in north and south Canberra through the Tuggeranong Child and Family Centre as well as in west Belconnen and Gungahlin.

Nowhere is the change to service delivery more evident than in disability support, led by the introduction of the NDIS into the ACT. The NDIS is one of the biggest social reforms in Australian history and the ACT has been at the forefront of this. I would like to thank my predecessor, Ms Burch, for the role she has played in the ACT's transition to the NDIS. Already, nearly 3,000 Canberrans have transitioned to the NDIS. By the middle of this year, the ACT will be the first jurisdiction to have all its eligible residents into the scheme—more than 5,000 people.

There is a great deal of other work underway outside the NDIS. The Ricky Stuart house respite centre to be operated by Marymead has been constructed in Chifley as part of the ACT government's commitment to replace the territory's ageing respite facilities. A second respite centre for teens with disability is due to be built in north Canberra in the near future. Another innovation for people with disability is project independence, a new social housing model that gives people with disability the opportunity of home ownership with funding for construction and land being provided by the ACT government. This project, which is seeing homes built in Harrison and Latham, is a clear example of the ACT government's commitment to ensuring greater choice of housing and flexible support for people with disability.

I am also pleased to provide members of this Assembly with an overview of the important work that is occurring in the Veterans and Seniors portfolio. The ACT government is committed to meeting the needs of and providing opportunities for our

seniors in our community. Members will recall that the ACT active ageing framework 2015-18 and associated action plan were tabled here in the Assembly on 19 November 2015. Many of the framework outcomes have now been implemented across ACT government directorates and within the community.

We have developed an effective working partnership with the Australian Human Rights Commission and the philanthropic arm of one of Australia's leading aged-care providers—the Illawarra Retirement Trust Foundation—to develop and implement a mature workforce strategy that will assist mature-age workers—50 years of age and over—to remain in the workforce or gain meaningful employment. A tripartite agreement will be signed by the Human Rights Commission, the IRT Foundation and the ACT government during ACT Seniors Week on 16 March.

I am pleased that the portfolio responsibility of veterans' affairs has been added to my ministerial duties. I look forward to developing strong and effective working relationships with our veterans and those organisations supporting them, including the ACT Veterans' Advisory Council and the ACT branch of the Returned and Services League. I am committed to working with our veterans to address their issues and also acknowledge their contributions at forthcoming ceremonial and commemorative veterans' affairs events, including the 50th anniversary of the Battle of Long Tan in August this year.

As a former small business owner running a successful dental practice, I am very pleased to have the small business portfolio, which recognises the essential role of small business in the ACT's economy. There are around 26,000 businesses in the ACT. Most—about 96 per cent—are small businesses and most are owner operated. They cover every conceivable form of business activity, from all the traditional trades to services sector businesses, to online sellers, to craft and social enterprises, and everything in between.

For the vast majority of small businesses, the best thing that government can do is to provide a supportive and logical regulatory environment, provide efficient government services which interact with what they do, provide a fair tax system, and manage the economy in a way that supports growth and development. The ACT government's business development strategy—confident and business ready: building on our strengths—outlines our approach to small business. It is about creating the right business environment, accelerating innovation to create wealth and jobs and supporting business investment in future growth ideas.

The ACT's strengths are in and around our knowledge economy—digital technology and ICT, spin-offs from our incredibly important tertiary education sector. The commencement of direct flights to Singapore and Wellington later this year will bring many economic benefits to the economy and small businesses, particularly in the hospitality and tourism sector.

I am also pleased to take on the arts portfolio, an area I am passionate about, and I commend the former minister for the great work she did in this area, especially the development of the 2015 arts policy. The arts, craft and culture are integral to our community and the social and economic fabric of Canberra. They help to define our

community's identity and give expression to community values. Participation in the arts can include being an engaged audience member, a student, a maker, a performer or an arts worker. As outlined in the arts policy, participation should reflect the diverse cultures, heritage, age, gender, abilities, forms, locations and scales of arts practice.

CBRarts forums will continue throughout the year to help shape the implementation of our arts policy. These forums are part of the conversation with the community on issues related to the four principles of participation and access to the arts, great art and great artists, vitality of the Canberra region arts ecology, and engagement with Aboriginal and Torres Strait Islander arts and cultures. The Kingston arts precinct is a strategic priority and an opportunity to show the nation and the world just what Canberra has to offer. The ACT government will continue to support a diverse and dynamic arts environment which is valued locally, nationally and globally.

I look forward to continuing the good work of my ministerial predecessors in all these portfolios. I present the following statement:

> Ministerial priorities—Ministerial statement, 16 February 2016.

I move:

> That the Assembly take note of the paper.

MR HANSON (Molonglo—Leader of the Opposition) (10.38): I will just speak briefly in response to welcome the fact that the government has appointed a minister for veterans' affairs, which is one of my shadow portfolios. This is a move that the opposition made some years ago when we appointed a shadow minister. The then leader, Zed Seselja, called on the government to have a minister for veterans' affairs. It has come quite a few years after that call, but I do welcome it, and I offer Dr Bourke a bipartisan approach to this important matter. I look forward to working, I hope, with Dr Bourke on this important area—looking after veterans in our community. Hopefully, that will be reciprocated so that we can move forward in a bipartisan manner, as it is in the federal sphere. I think it has a long tradition in our community federally and locally of being such.

Question resolved in the affirmative.

Terrorism (Extraordinary Temporary Powers) 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) (10.39): The Canberra Liberals will be supporting this important legislation. The act will expire on 19 November 2021, five years after it commenced. The act needs to be reviewed before that date as we cannot just continue passing this legislation without reviewing its relevance and operation at that time.

The bill will amend the Terrorism (Extraordinary Temporary Powers) Amendment Act 2006 to extend the operation of the act for a further five years, as I said, to 19 November 2021. The act allows a court to make a preventative detention order if it is satisfied that a terrorist act is happening or will happen sometime in the next 14 days and the order will substantially assist in preventing the terrorist act or reducing its impact or both.

All states and territories have passed or are passing similar legislation in accordance with recommendation 39 of the 2013 Council of Australian Governments review of counter-terrorism legislation in Australia. I note that the ACT Law Society has advised that it does not oppose this bill and the Bar Association has not made any comment. The legislation is consistent with legislation in other states extending anti-terrorism processes.

So we will support the legislation but it is important to note that this does expire in five years and I think that is an important principle. There is always a balance between community safety and the freedoms and democracy that we enjoy, and we would never support simply a rolling over of this legislation without these important reviews. I am comfortable that they have occurred. We obviously have not been privy to all of the information but I do have the faith and trust that that is being dealt with responsibly through the states and through the federal parliament. As I said, we will be supporting this legislation.

MR RATTENBURY (Molonglo) (10.41): The ACT Greens do not support the Terrorism (Extraordinary Temporary Powers) Bill. I have made it clear to my cabinet colleagues that I disagree with their proposal to continue to allow preventative detention in the ACT and I will be voting against the passage of the bill today.

Before I explain further, I want to be clear that the Greens abhor terrorism, we abhor crimes against humanity and we abhor the brutality and horror that has been caused by terrorism throughout history. We also accept that threats of terrorism in Australia are real and that we need to be prepared and have appropriate legislation to support law enforcement and intelligence. However, that does not mean that in the name of national security we agree to any manner of law, any manner of restricting human rights, particularly not in the case where such laws are unnecessary and ineffective.

There are two critical reasons that the Greens do not support this legislation. The first is that the preventative detention powers are an extensive and unwarranted erosion of human rights that we should all be committed to upholding. As a jurisdiction that purports to respect and protect human rights, we should not support such an erosion of rights. That is not to say that I believe human rights are always absolute. I accept the need for cautious limitations on human rights in a free and democratic society. Some of the laws we make in this place curtail human rights as we seek to protect other freedoms. But we are charged with ensuring that we make these restrictions in the most limited way and in a way that is necessary and proportionate.

There is a second key reason for our opposition, that is, the fact that the preventative laws are ineffective and unnecessary. I will expand on these issues in a moment. To

recap on the laws we are discussing here, preventative detention orders allow police to take a person into custody and to detain them for up to 14 days without the person being charged, convicted or even suspected of having committed a crime.

I point out that the preventative detention laws have been used very minimally. They have not been used in the ACT. They had not been used at all in Australia until September 2014 when three men in New South Wales were detained, then released the next day. A second preventative detention order was issued in Victoria in 2015 in relation to alleged plots to disrupt Anzac Day ceremonies. A man was released from the order and then immediately arrested and charged with planning a terrorist attack.

Preventative detention orders were introduced in the ACT in 2006. This followed a push from the commonwealth in 2005, following the terrorist attacks in London, to have all states and territories enact a range of counter-terrorism laws. It is fair to say that these new anti-terrorism laws were extreme. They challenged important concepts that were usually protected in Australia, such as the right to a fair trial and freedom from arbitrary detention.

Preventative detention is not a power found in other liberal democracies like Australia. In fact, other countries that have a much greater threat of terrorism do not allow preventative detention like we do here. The laws allowing preventative detention in the ACT were originally subject to a sunset clause so that they would automatically expire in 2011. However, in 2011 the government introduced legislation to extend the laws for a further five years.

In 2011 the Greens opposed extending the preventative detention laws and we argued that those laws were an unjustified intrusion into long-held freedoms and were unnecessary. I proposed amendments at the time to exclude the preventative detention powers from the ACT. Those were opposed by the Liberal and Labor parties. I will not introduce amendments today as I am aware already that this bill will pass and other parties do not support my position.

But now here we are again, five years later in 2016, and the government is proposing to extend the extraordinary powers again for another five years. Something members may note is that the bill's title still refers to these terrorism powers as "Extraordinary Temporary Powers". If this bill passes today their operation will be extended until 2021. That will mean they have been in place for 14 years.

The insertion of a sunset clause, and the explicit labelling of the laws as extraordinary and temporary, was supposed to reflect the fact that these laws are an unusual intrusion upon human rights and a detour from the usual legal principles that underpin our society. This concept appears to be lost as governments continue to re-enact the laws. Are these really temporary laws?

As an example of the extreme nature of preventative detention laws, members may remember when the concept was first introduced by the Howard government in 2005. One aspect of the regime that received a lot of attention was the fact that a person subject to preventative detention was allowed to contact one family member only and

was only permitted to say that they are safe and unable to be contacted for the time being. Imagine how frightening it would be to receive such a call from one of your family members: "I am safe but I can't be contacted for now. Goodbye."

Given the serious departure from legal and human rights norms, it is necessary to ask: why do we need preventative detention orders? The evidence from experts actually suggests that we do not. We can start by looking at the recent report on the laws compiled by a review committee of independent and experienced experts. The review committee was made up of six members who were jointly chosen by the Prime Minister, state premiers and territory chief ministers and it was chaired by the Hon Anthony Whealy QC, a retired judge from the New South Wales Court of Appeal. It included an ombudsman, an assistant commissioner of police, a deputy director of public prosecutions, a law reform commissioner and a manager of domestic counter-terrorism from the AFP.

I quote from the conclusion of the report that related to the preventative detention laws that we are considering extending here in the Assembly today:

> The Committee recommends, by majority, that the Commonwealth, State and Territory "preventative detention" legislation be repealed.

It went on to say:

> If any form of preventive detention were to be retained, it would require a complete restructuring of the legislation at Commonwealth and State/Territory level, a process which, in the view of the majority of the Committee, would be likely to further reduce its operational effectiveness.

The basis for the committee's recommendation is, essentially, that the laws are operationally unsatisfactory and ineffective. They point out that while a person is detained under the preventative laws the police are not permitted to interrogate the detained person. They cannot interrogate them. This makes police unlikely to use them. It means the laws are not really useful for investigating potential terrorism threats because the person cannot be interrogated.

In submissions to the review committee, police also complained that there are complexities in preparing a detention application which are onerous and cumbersome. They complained that the thresholds are impractical. Finally, enforcement agencies expressed the view that at a practical level if there were sufficient material to found a detention order there would be, more likely than not, sufficient material to warrant conventional arrest and charge. As the committee reported:

> State enforcement agencies … were clearly more comfortable with this traditional procedure and much less comfortable with the complexities of the detention procedure.

The people who work in the field are saying that other police and traditional investigative and arrest methods are more useful and relevant than these extreme preventative detention laws. We have a criminal justice system already, of course, with tools such as arrest, charge and remand. The committee went on to say:

> The majority of the Committee concludes, based on these powerful considerations, that the preventative detention scheme is, as presently structured, neither effective nor necessary.

This is just one report, albeit from a panel of relevant experts. But it is not just the review committee that has come to the conclusion the laws are ineffective, should be repealed or are not sufficiently justified.

The Independent National Security Legislation Monitor is a statutory body whose role is to review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation on an ongoing basis. It conducted a major review of Australia's counter-terrorism legislation. It also recommended the repeal of the preventative detention laws. It pointed out that it was provided with no material or argument demonstrating that the traditional criminal justice response to the prevention and prosecution of serious crime through arrest, charge and remand is ill-suited or ill-equipped to deal with terrorism.

That report also noted, rather frighteningly, that a power to detain preventatively is virtually unknown in other democracies, even looking at their past experiences. It said the closest historical analogies were the internment of Japanese Americans by the United States government during World War II and the detention of suspected IRA members by the UK government in the 1970s. That is the type of scheme that we are seeking to extend here in the Assembly today.

I think we need to look at these proposals very carefully and ask ourselves what type of justice system we expect to have in Australia and in the ACT. We are proposing to continue laws that are highly unusual in liberal democracies and that have very few parallels except for events such as the internment of Japanese Americans in the Second World War. They are laws that run counter to the protections and freedoms we expect in our society, protections and freedoms that are even articulated in our Human Rights Act, such as the freedom from arbitrary detention and the right to a fair trial.

We also need to look at where we are headed with these laws and ask ourselves if we are letting our valued legal and democratic principles be gradually broken down. I can see exactly why people make arguments like, "If you allow this law, who knows what you will allow next and before we know it we will have a big brother state." These preventative detention laws were supposed to be extraordinary and temporary, and now we are looking at having them in place until at least 2021.

Bret Walker SC, who was the former chair of the Independent National Security Legislation Monitor, makes an interesting point:

> Accidental and other criminal modes of people being killed far outnumber what has happened by terrorism … Should we, as a society, give consideration to preventative detention orders against violent husbands, drunken or adolescent drivers, or careless foremen? Surely not. Have we properly articulated the reasons why counter-terrorism should produce an opposite response?

In the 10 years since the government introduced preventative detention, it has built on the concept, introducing further concepts such as indefinite detention for refugees who have a negative security assessment from ASIO. Fourteen days preventative detention is one thing. Imagine indefinite detention with no charge. As I say, it is reasonable to ask if extreme and unnecessary laws like preventative detention end up paving the way for further incursions into human rights and freedoms.

Another point worth considering is one raised by several in the community when a preventative detention order was used in Victoria, that is, the fact that detaining someone without charge risks community backlash which can negatively affect the relationship police have with community and social groups they rely on for information or assistance. A lot of community building between police and at-risk communities has occurred over many years, and using laws like preventative detention, which people see as unjust, can irreparably damage this relationship.

Lastly, of course, as I have emphasised, it is not just the fact that these laws are a test of our human rights principles. They are also unnecessary and ineffective. As Bret Walker said, the laws are much more trouble than they are worth, and in fact they are worse than useless.

Is this the type of scheme we want to continue in the ACT, a human rights jurisdiction and a jurisdiction that values making smart, modern and well thought out laws? I do not think so, and the Greens will not support this bill.

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) (10.55), in reply: Ever since the introduction of the Terrorism (Extraordinary Temporary Powers) Amendment Bill on 19 November 2015 the world has been rocked by acts of extremism. For example, in December last year 14 people were killed and 22 were seriously injured in a terrorist attack in San Bernadino, California. On 7 January this year 60 people were killed and 200 were injured in a suicide bombing attack at a police training camp in Libya. On 14 January this year five attackers and two civilians were killed in a series of explosions accompanied by gunfire in central Jakarta. On 20 January this year more than 20 people were killed in a suicide attack at the Bacha Khan University in Pakistan. Regrettably, I could go on to list many more.

These terrible events remind us that as a jurisdiction we cannot be complacent. Following the COAG counter-terrorism review and the Martin Place siege review, in addition to the heightened security environment we currently face, there regrettably remains a clear need to be prepared for the possibility of extremist groups or individuals increasing their reach and scope for action within our own country. We need to be in a position to work cooperatively with other jurisdictions that experience violent dissidence.

It was the London terrorist attacks in July 2005 that led to debate about whether new laws were needed to prevent terrorist incidents. On 27 September 2005 COAG leaders from all state, territory and federal governments agreed that changes were required,

and all states and territories expressed their readiness to enact legislation to complement new commonwealth measures. As a result, the ACT enacted the Terrorism (Extraordinary Temporary Powers) Act in 2006. The act authorises preventative detention orders that allow a person to be taken into custody if the court is satisfied that a terrorist act is happening or will happen in the following 14 days and the authorisation will assist in preventing or reducing the impact of the terrorist act.

Whilst it is the case that the review cited by Mr Rattenbury, including that by Mr Bret Walker, casts doubt on the efficacy of extraordinary temporary powers laws like the one we are debating today, it is also the case that that review concluded that should there be a need for such laws, the ACT model was preferred by the reviewers as the most human rights consistent and the most proportionate response to the threat posed by terrorism. Those comments of the review should be kept in mind by those listening to Mr Rattenbury's comments this morning.

The act that was adopted by the Assembly in 2006 authorises preventative detention orders that allow a person to be taken into custody if a court is satisfied that a terrorist act is happening or will happen. Our laws, unlike those of other jurisdictions, maintain strong, independent judicial oversight in determining whether or not the powers provided for in the legislation should be exercised.

The purpose of this bill is to extend the operation of the act for a further five years, which is a necessary and regrettably proportionate response to the current national security threat advisory level of "probable". This threat level means that credible intelligence assessed by our security agencies indicates that individuals or groups have developed both the intent and capability to conduct a terrorist act in Australia. While there is currently no specific threat to the ACT, it is prudent and responsible to maintain a legislative framework and powers to help prevent and respond to such a threat.

The commonwealth preventative detention order regime was also due to expire in December last year. The scheme was extended in 2014 for nearly three years on the basis that preventative detention orders would play an important role in mitigating and responding to the escalating threat posed by the Islamic State organisation operating in Syria and Iraq, and particularly the risk that Australian citizens fighting in those conflicts would return to Australia and engage in terrorism. Tools such as preventative detention orders are a vital element of the suite of mechanisms needed for law enforcement to help combat this threat and to protect our community from terrorist acts.

Preventative detention orders have not yet been used in the ACT, and this is a strong reflection of a policy constructed to expressly ensure that they are extraordinary measures to be used only in exceptional circumstances. Preventative detention does engage a number of human rights, including freedom from arbitrary detention and the right to a fair trial. The ACT scheme contains significant safeguards that distinguish it from schemes in other jurisdictions. In the ACT an applicant for a preventative detention order must demonstrate that it is the least restrictive way of preventing the terrorist act or the only effective way of preserving the evidence of such an act.

Other measures that are inherent in the ACT law and are not inherent in other state or territory law include measures to protect citizens' rights through the judicious thresholds which must be met before a preventative detention order can be granted; that orders cannot be made for children; central oversight of the orders by the Supreme Court; information must be given to detainees, including explaining the effect of the order and that the person has the right to contact their family, a lawyer, the human rights commissioner or the Ombudsman; the availability of compensation if a person suffers loss or expense because of the exercise of special powers under the act; and specific compliance with international human rights standards is required, particularly regarding the treatment of detained people and the inadmissibility of evidence obtained under duress.

These measures do not stand alone; they are part of a national strategy designed to ensure the safety and security of our community. The ACT continues to work closely with law enforcement and intelligence agencies to combat terrorism to help try and keep Australians safe.

In his speech at the Centre for Strategic and International Studies in January this year, the Prime Minister emphasised the importance of his talks with the US intelligence community during his visit. An important area of future focus noted by the Prime Minister is developing measures to fight terrorist recruiters online. The Prime Minister said:

> ISIL may have an archaic and barbaric ideology, but its use of technology and social media in particular is very sophisticated and agile.
>
> As ISIL uses social media for its propaganda, we must respond rapidly and persuasively with the facts.

Terrorists target people who are discontented or marginalised. They promote their ideologies as a better way of life. Many such individuals see extremists as friends on social media, which leads to personal engagement and then radicalisation. Families and communities in partnership with the government, therefore, have a critical role in identifying people at risk of being influenced by extremist thought and intervening before harm is done.

Diverting and disengaging individuals at risk of radicalisation and rehabilitating violent extremists are priority activities across the country. The Australian government's countering violent extremism strategy, which commenced in 2014, is central to trying to protect these more vulnerable members of our community from radicalisation.

The long-term goal of the strategy is to reduce the risk of home-grown terrorism by strengthening Australia's resilience to radicalisation and assisting individuals to disengage from violent extremist influences and beliefs. This is being done by identifying and diverting violent extremists and supporting them to disengage from those behaviours; identifying and supporting at-risk individuals and groups; building community cohesion and resilience; communicating effectively to challenge extremist messages; and working closely with communities.

Prevention of harm, therefore, caused by violent extremism is the ACT government's primary concern. But we must continue also to be prepared to respond to the threat of a terrorist act through measures such as those outlined in this bill. This will ensure that the ACT's protections will remain in place as we seek to address and eradicate the precursors to radicalisation and the threat of terrorism. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted–

Ayes 16		Noes 1
Mr Barr	Ms Fitzharris	Mr Rattenbury
Ms Berry	Mr Gentleman	
Dr Bourke	Mr Hanson	
Ms Burch	Mrs Jones	
Mr Coe	Ms Lawder	
Mr Corbell	Ms Porter	
Mr Doszpot	Mr Smyth	
Mrs Dunne	Mr Wall	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Order of the day—postponement

Ordered that order of the day No 2, executive business, be postponed to the next day of sitting.

Justice Legislation Amendment Bill 2015

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

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (11.10): The Canberra Liberals will agree in principle with this bill, but we do so with an important caveat. Many aspects of this bill address issues which are straightforward and sensible, for example, the sections relating to recognition of interstate parentage orders. The explanatory statement notes that this change means that if a baby is born in the ACT but a parentage order relating to any surrogacy arrangements for the child is made in another jurisdiction, the parents will be able to be recorded as the parents of the child on their ACT birth certificate. We do not have issues with those changes.

Similarly, the changes relating to flexibility in documenting name changes do not cause any concern. The proposed amendments to the Births, Death and Marriages Registration Act will allow local residents who choose to marry overseas to change their name officially without their original surname being removed from their birth certificate. The new surname can be noted on the back of the birth certificate.

The provisions relating to creating a recognised details certificate, a new identity document for the ACT, are not problematic; nor are the sections relating to the creation of proof of identity cards. There are, however, a couple of items that become more problematic and have caused some discussion. The first area of concern is the provisions relating to the removal of gender-specific terms, and the second is the issue relating to birth certificates. With regard to gender-specific terms, these are issues that we need to monitor.

I turn particularly to the issue of birth certificates. The bill allows people to use terms such as "birth parent" and "other parent" in official documentation such as birth certificates if they choose, instead of the terms "mother" and "father." We will be supporting this, but let me be clear that the Canberra Liberals recognise and respect the importance of the roles of mothers and fathers in our society and in our laws. I want to make it very clear that we would not ever support the removal of those terms from our legal system or from birth certificates.

Thankfully—it is good to note, and I support the fact—the importance of recognition of these terms does appear to be noted in the government's legislation. The explanatory statement explicitly states that the bill acknowledges that the terms "mother" and "father" are important to many people. The bill also specifically recognises the rights of those people who wish to have them used on official documentation.

While we will always defend the role of mothers and fathers in our society and our laws, we are certainly not closed to offering a choice in appropriate situations, as long as it is a genuine choice. What I mean is that the element of choice is important in our support for these changes, and for them to work when in operation. We need to make sure that, for those who are filling in the forms for a birth certificate, parents know that that choice exists.

With that in mind, this is important regarding the operation of the bill. We need to make sure that the documentation involved makes it very clear that the choice is available for people to have "mother" and "father" on that birth certificate, or the "birth parent" or "other parent", as they so choose. That needs to be very clear, so that people are aware that there is not a default position as such and that people do not just make the choice because they are unaware of that.

I am aware of a proposed amendment from Mr Rattenbury with regard to mothers and fathers. I indicate that we will not be supporting that amendment, as it was only circulated yesterday. In my view, and that of my colleagues, it goes a step too far. We will deal with that in the detail stage.

As I said most of the elements of this bill are not of concern. We will monitor the use of changes in language to take on the non-gender language, to make sure that it does not erode the principle of "mother" and "father" in our society. I reiterate that we will always argue for the maintenance of the important and meaningful terms of "mother" and "father" in important legal documents, particularly people's birth certificates.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (11.15), in reply: The Justice Legislation Amendment Bill 2015 is a further step in the territory's commitment to supporting an inclusive and diverse community. The bill contains a range of provisions that recognise the need for people to have their identity recorded in a way that is appropriate and meaningful for them, while maintaining the integrity of government identity documents.

I would like to notify members that I have written to the Leader of the Opposition to advise of my intention to move three additional amendments, as Mr Hanson mentioned. I will come back to those in the detail stage of the debate, and I will provide some more information for members then. Those amendments make minor adjustments to the bill to address two conflicting parentage assumptions and clarify the example in section 8 of the bill so it is clear that the applicant is the one who decides whether their change of name appears on their birth certificate.

I would like to table an explanatory statement for the bill. This supplementary statement incorporates the three amendments that I have foreshadowed.

Moving to the amendments made by the bill, the bill contains a variety of amendments, with the common theme being representation of identity. A sense of our identity as an individual being represented appropriately, and the documentation of our relationship to other people, is important to us. It contributes to our sense of wellbeing, that we are seen for who we are, that our important relationships are acknowledged and affirmed.

Many people go about their day-to-day lives without needing to pay a great deal of attention to their identity documents. They may place their and their children's birth certificates in a filing cabinet without thinking very much about them. They may rely on their drivers licence when they need photo identification. If they get married they may choose to take their spouse's surname and undertake the process of taking an ACT marriage certificate to various institutions and government organisations. This bill will have no impact on those people.

This bill is aimed at assisting those who do not have these relatively easy experiences. As a consequence, some of the changes presented in the bill may seem minor, technical or unimportant to some. They are, however, of deep importance to those that need to use them.

Section 6 of the bill allows parents who have a valid parentage order in another Australian jurisdiction to apply to be the substitute parents of a child born in the ACT. The way the Births, Deaths and Marriages Registration Act currently stands, a set of

parents who face these circumstances would not be able to have their parentage of the child recognised. This amendment will allow parents who may have their child born in the ACT in unplanned circumstances to receive a substitute parentage order. While the amendment would only be relevant in rare circumstances, it will be of deep importance to those to whom it applies.

Sections 7 and 8 of the bill allow people born in the ACT the option of having a change of name noted on the register, and having the new name noted on the back of the birth certificate. These amendments will be of particular importance to those who marry overseas but are unable to use their marriage certificate to change their surname to their partner's. Currently, in these circumstances, individuals must change their name on their birth certificate, with their new surname replacing their surname at birth. This experience causes distress for some people who feel their identity at birth is displaced by the process. These amendments aim to resolve this issue for them.

This bill makes amendments which recognise the diversity of families in the ACT. The bill removes gender-specific terms in both the Births, Deaths and Marriages Registration Act 1997 and the Parentage Act 2004. For most families—and this goes to some of Mr Hanson's comments—these changes have no impact. They will fill out their paperwork after their child is born, ticking the traditional boxes, probably without much thought. For a number of families, these changes present the opportunity for their family to be represented in an accurate way. The bill moves the ACT beyond binary ideas of parenthood. These ways of thinking about parents have become outdated and inaccurate in some circumstances. They do not reflect the reality of some families. The bill makes the space for these families to be recognised.

In making these changes, I wish to acknowledge the importance of the terms "mother" and "father." For many, their identity as a mother or father is the most important aspect of their life. Our children are precious to us, and acknowledgement of our role in their lives is fundamental to many people. This bill in no way diminishes the importance of these terms, and in fact the bill ensures that the terms "mother" and "father" can continue to be used to describe parents.

Section 12 of the bill introduces a new type of certificate into the ACT, a recognised details certificate. This certificate allows an ACT resident who was not born here the opportunity to have official documentation affirming the gender they live as. These certificates have been used successfully in other jurisdictions.

The evidentiary requirements to receive a recognised details certificate are similar to those for a change of sex on a birth certificate: a statutory declaration by a doctor or a psychologist certifying that either the person has received appropriate clinical treatment for alteration of the person's sex or the applicant is an intersex person. There is no requirement for the person to have had sex reassignment surgery.

The South Australian Law Reform Institute recently released a report titled *Discrimination on the grounds of sexual orientation, gender, gender identity and intersex status in South Australian legislation*. The report discussed the ACT Births, Deaths and Marriages Registration Act and noted:

> Many participants in the … consultations identified the ACT approach to the registration (and change) of sex on the Births, Deaths and Marriages Register as the preferred or 'best practice' model for any reform in this area.

The ACT government is proud of this view and is pleased to build on the solid base of best practice.

The final set of amendments that the bill makes changes proof of age cards to proof of identity cards. There are a number of reasons that an individual might not have photo identification in the form of a drivers licence or a passport. A drivers licence requires a person to be assessed as being fit to drive and passports are a relatively expensive way of getting identification. To date the proof of age card has been the only option for people in these circumstances. Reaffirming the proof of age card as the proof of identity card and including the option of having a person's address on the card provides a form of photo identification to suit the greatest range of people with the most administrative efficiency. This is an area of particular interest to some of our older residents across the city who have expressed a view to me that having a proof of age card feels rather inappropriate for them, even if they do need an alternative form of identification than the traditional practice that most would use of having a drivers licence.

This bill makes a number of amendments that improve the choices for Canberrans in having their identity represented while also maintaining the integrity of the documents that the government issues. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (11.23), pursuant to standing order 182A(b), by leave, I move amendments Nos 1 to 3 circulated in my name together, and I have tabled a supplementary explanatory statement to the government amendments. *[see schedule 1 at page 454]*.

I will speak briefly to the detail of these amendments. The first amendment I am moving makes it clear that an applicant for a name change is able to decide if their new name replaces their birth name on the front of their certificate or if the new name is noted on the back of the new certificate with details originally recorded at birth remaining unchanged. This amendment omits the current proposed section 21(3) and example and replaces it to make it clear that when the register is altered under proposed section 21(2)(a)(i) the change of name is made on the front of the certificate and when an application is made under proposed section 21(2)(a)(i)(B) the change of name is noted on the back of the certificate. This change is necessary to provide

certainty to applicants that their name will be represented in the way they feel is appropriate. It makes it clear that it is the applicant, not the registrar-general, who decides where the new name will be on the reissued birth certificate.

The second amendment I am moving will allow the terms "mother" or "father" to describe either the birth parent or the other parent or both parents. This amendment omits the proposed new section 5(2) and substitutes a new section 5(2). The proposed new section allows the words "mother and "father" to describe the birth parent, the other parent or both parents. This is a particularly important reform which recognises the variety of families that exist in the ACT. This particularly supports transgender parents and allows them to be issued with a birth certificate that reflects their gender identity.

Amendment 3 clarifies that when a person provides their ovum as part of a procedure in which another person becomes pregnant, the person providing the ovum is conclusively presumed not to be the parent of any child born as a result of the pregnancy unless they are the domestic partner of the person who gives birth as a result of the procedure. This amendment omits proposed new section 11(3) to (6) and substitutes a new proposed section 11(3) to (6). The proposed new section provides the additional parentage presumption that when a person provides their ovum as part of a procedure in which a person becomes pregnant, the person providing the ovum is conclusively presumed not to be the parent of any child born as a result of the pregnancy unless they are the domestic partner of the person who gives birth as a result of the procedure.

The Parentage Act 2004 and the bill as currently drafted contain a conclusive presumption that a person who provides an ovum in a procedure by which a person becomes pregnant is conclusively presumed not to be the parent of the child born as a result of the pregnancy. The Parentage Act and the amendments contain a presumption that the domestic partner of another person who undergoes a procedure where the other person becomes pregnant is conclusively presumed to be the parent of the child born as a result of the procedure. Currently, where the domestic partner is the person who provided the ovum to the person who becomes pregnant as a result of the procedure, conflicting presumptions arise. This amendment addresses this conflict and makes it clear that when a domestic partner provides an ovum in a procedure, they are conclusively presumed to be the parent of the child born as a result of the procedure.

The remaining subsections have been reordered for better flow and readability.

I hope that clarifies the intent of these amendments. They are based on feedback the government received after the tabling of the legislation. I think it is valuable feedback and simply provides further clarity in an area that is technically challenging at times. They are subtle adjustments to the legislation, but, as I said in my earlier remarks, they are important to some members of our community who do not fit into the traditional definitions. These changes are very important to recognise the diversity of families and relationships in our community.

MR HANSON (Molonglo—Leader of the Opposition) (11.27): I will not be supporting the amendments today. On amendments 1 and 3, I do not have any

particular concern. The first is a point of clarification on where names appear on certificates, and the last is about presumptions of who is the parent in quite complex cases. I agree with Mr Rattenbury that this does get complex. These are difficult areas of law and let me say at the outset that we recognise diversity in our community.

We do not support the amendment as it relates to the terms "mother" and "father" and the expanded usage. The original bill allows for recognition of gender diverse parents whilst also acknowledging the terms "mother" and "father". They are terms that are important to many people who wish to have them on documentation. The amendment does take a significant step further, however: it allows either parent to use the term "mother" or "father" in any circumstance.

We recognise and acknowledge that surrogacy, same-sex relationships and other diversity are an aspect of our society. The main bill has already addressed this issue by registering births from surrogacy and same-sex relationships and other relationships by allowing the term "birth parent" and "other parent". It makes that allowance.

As far as I am concerned, this amendment is taking the definitions of "mother" and "father" a step too far. The amendment would allow a male to be called "mother" and a female to be called "father". The ramifications of this approach are widespread. It is difficult to list the range of problems, let alone anticipate unintended consequences of this amendment.

There are specific examples. I am supportive of and I have regularly supported—people in the gallery are smiling and nodding—recognition of people from diverse sections of our community. But from the opposition's point of view, the maintenance of "father" and "mother" as they stand is the way we should continue.

This is not a matter that we should be considering at short notice. The amendment was received by me yesterday. I think it is unlikely that we would consider it if we had a longer time to discuss it, but the inability to consult, discuss and understand the full ramifications of this are also important. We do that when we make significant changes. Changing and allowing essentially a choice on whether you want to be a father or whether you want to be a mother on a birth certificate, regardless of your gender, is a significant step and one that the opposition is not supporting today.

We do support the intent of the bill as it stands. It does allow for recognition of diversity. It does acknowledge the complexities in a whole range of relationships in our community. But if we are to essentially say that you can choose whether to be a mother or a father—that anyone can choose, on a birth certificate, regardless of their gender, whether they want to be a mother or they want to be a father—risks making those terms meaningless. Although I am acknowledging diversity in our community and respecting that, I also respect and acknowledge the important meaning of "mother" and "father" and what that means to many people in our community. These are difficult issues—certainly they are—but we will not be supporting Mr Rattenbury's amendments as presented today.

MADAM DEPUTY SPEAKER: Mr Hanson, could I just get clarification from you: you are not agreeing to the whole three of Mr Rattenbury's amendments?

MR HANSON: If they are taken individually, Madam Deputy Speaker, I am happy to support 1 and 3, but I am not happy to support the second relating to the change of "mother" and "father". I thought the amendments were being taken as a whole.

Mr Rattenbury: I am happy to take them separately.

MR HANSON: If they are going to be taken separately, we would support the first and the third.

Mr Rattenbury: We will change it in procedure in a sec.

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) (11.33): In April 2014 I rose to acknowledge the contribution of people who had shared their stories and experiences to inform what was then known as the human rights and equal opportunity commission sex files report, which sets out a clear agenda for reform to laws affecting sex and gender diverse people in Australia. I spoke of how long these reforms were in coming and how far we had to go. It makes me very proud to be back in the chamber again today continuing that work through this Justice Legislation Amendment Bill.

Since we passed those first reforms, I have had the pleasure of becoming community services minister and minister for social inclusion. In this capacity I have had the opportunity to work with the LGBTIQ advisory council, and I acknowledge members of the advisory council who are here in the Assembly today. They have been a committed force for the improvement of the lives of people in their communities. Every time I meet with them they are pursuing issues, both large and small, that seek to ensure all Canberrans can live free from discrimination, both through our laws and in our community.

Today I want to take another opportunity to read into *Hansard* some of the words of the people who participated in the human rights and equal opportunity commission report, because it is people who have been brave enough to tell their stories who have made the case for this reform. One said:

> Having documents that reflect one's sense of identity is important for employment, access to healthcare and medicines and also for self affirmation and acceptance by the government that—yes, this is who you really are …

One said:

> Because I will not divorce my wife, I am not able to change my birth certificate to my true sex. So my birth certificate still says male. However, Medicare and Centrelink know that I have undergone sex affirmation surgery and their records say that I am female. Therefore, we have been denied the PBS married safety net because we are seen as a same-sex couple.

What is clear in all of the stories included in the report is that when a government and a community try to put people into predetermined boxes where they simply do not fit, we undermine their dignity and their right to a happy life. I am very proud to be back here today, and I thank my colleagues Mr Rattenbury and Mr Corbell for the serious and committed way that they have approached these reforms.

I say again that there is a long way to go on improving government policies and fighting discrimination against sex and gender diverse people. We as a society are still learning, and it is for everyone to pick up the fight that sex and gender diverse people have started by speaking out, and to continue that process.

As Mrs Jones noted in this place last week, I am passionate about this issue. I am passionate because, to me and many in our community, the consequences of inaction for the lives and the life expectancy of sex and gender diverse people remain simply unacceptable.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (11.36): I thank Ms Berry for those supportive comments. I have listened carefully to Mr Hanson's remarks. I disagree with him, but I am quite happy to offer to Mr Hanson and his colleagues that if they would like to go over more of the details and some of the specific examples of why the law is being worked in this way, I am more than happy for the directorate staff to spend time with our colleagues across the chamber to go through the specific and individual cases as to why this is a relevant change to the law. There are circumstances in which these changes are necessary to give people an appropriate opportunity to express their gender identity while also recognising the biological processes that remain within their scope.

I will leave it at that. I am happy to have a more detailed discussion later if those opposite wish. But for the purposes of today's proposals, I move, pursuant to standing order 133, that the question on my three amendments be divided so that the Liberal Party may express differing views on each of the amendments as we go through them.

MR HANSON (Molonglo—Leader of the Opposition) (11.38): We will be supporting that amendment. As I indicated in my previous speech, we support two of the amendments; we do not support the other one.

With regard to Mr Rattenbury's point, if he is genuine about wanting to get amendments like this through, and I indicated that it is unlikely we would, the best way to do it is to engage with the opposition, discuss it with the opposition, and provide the amendments with a long lead time so that we can sit down and discuss what the issues are in some detail. Just dumping it in on a Monday before a busy sitting at lunchtime when these are complex and difficult issues and saying, "Let's pass it today and then I will offer you a retrospective briefing. You can get up to speed after the effect," is not a good way to do legislation. If Mr Rattenbury is genuine about wanting to get laws changed in this place, knowing that they would be complex, when his view is that they require some discussion, some engagement, some

understanding, then to dump a letter in the opposition's in-tray the day before is not going to get that done. I reiterate our position, but I would support Mr Rattenbury's motion to split the amendments.

Ordered that the question be divided.

Amendment No 1 agreed to.

Amendment No 2.

Question put:

> That amendment No 2 be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Amendment No 2 agreed to

Amendment No 3 agreed to.

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

Bill, as amended, agreed to.

Workers Compensation Amendment Bill 2015

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

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.45): The opposition will be supporting parts of this bill. The bill as proposed deals with two issues. The first is in new part 5.4A—return-to-work coordinators. The purpose of this section is to ensure that firms that have a workers compensation premium greater than $200,000 or are self-insurers have a dedicated officer inside their workplace to work with injured workers on their return to work. It seems a reasonable thing to do. During the briefing—I thank the minister for the officials who came and briefed me and my staff on this—I asked whether there was any data or there were any reports to indicate that this was necessary. We were told that anecdotally it seemed to work and, therefore, it was a good thing.

I am a little concerned that we are undertaking changes and putting extra burdens on employers on the basis of anecdotal evidence. A reasonable think about this would indicate that yes, if there was somebody who was a coordinator in the office to make sure that those coming back to work were looked after, that sounds logically like a good thing. But if we are actually going to change the law, if we are actually going to put penalties in place and if the case is good, I would have thought there might have been some more evidence to support the contention for the need. That said, I think it is a reasonable thing to do, and in that area we will be supporting the amendments.

The area that we have some concern with, though, is sections 191 and 192. These are about the powers of entry of inspectors. It was raised by the workplace commissioner that he thought he did not have the power under the existing act. The advice I have is that any reading of the act as it exists does provide for an unrestricted right for an inspector to enter a premises during work hours. One would think that if you are entering premises after hours when they are empty you would perhaps need a warrant or a court order of some sort. You are going to go into premises that would perhaps require the breaking of locks or the damage of property to gain entry.

In that regard, I think it is unfortunate that we are going to change the act when those present, when this was raised back in June 2015 at the ACT Work Safety Council, were told that the power did not exist. A number of them have come back to me and have now said that they believe the power did exist. Legislation was not presented at the time so it depends on who you talk to—the briefing officers said there was agreement at the meeting; the people I have spoken to said, "Well, yes, it was raised with us." One employer group put in a submission; others did not. But there seems to be some contention as to what was put forward and the lack of consultation as a follow-up. Most were not aware that the bill was coming on until I told them that it was coming on and I sought their opinion. So I think we have a small problem there.

The other thing is the nature of the power of entry. In section 191(1) an inspector may at any time enter premises that are or that the inspector reasonably suspects are a workplace—at any time. This is a 24/7 power which I think is quite a huge power to issue for the sorts of things the government might be looking for. Currently under the work health and safety legislation there is a power to enter, and if a work site was operating and there was a suspicion that people were at risk, you might say that it is a justified power. But with a 24/7 power for inspectors to come perhaps to see paperwork in regard to a workers compensation matter, you have really got to question how far we are taking some of these powers. I have raised this issue with the minister.

There is also a question on section 192A(3) where it says:

> An inspector who enters premises in accordance with this section is not authorised to remain on the premises if, at the request of the occupier of the premises or the employer who is on the premises, the inspector does not show the occupier or the employer the identity card issued to the inspector under section 189.

I wondered whether "at the request" should be "despite the request". It seems to that me that if you come on to my premises and I say, "Well, don't show me your card," and the inspector balks, he or she has got to leave the premises. If they do not, there is a 50 penalty unit fine.

I am not sure if it is clear in this section whether or not I am justified in not assisting the officer if, as the employer or the occupier or the premises, I make that request in the belief that, having made that request, the officer must leave the premises. I spoke to the minister earlier and he thought it was a lift from the federal act. If it is that in the federal act, then perhaps the federal act needs to be changed as well. I think there is uncertainty where, if you are requested not to do something and you comply, you therefore have to leave. You may end up leaving the officer in actual difficulty there.

The other issue that I had was—I asked several times and I have only got confirmation in the last few minutes—that there are apparently 38 inspectors but when you go on the website you cannot find who those inspectors are. For instance, if you go on the website under "Workplace health and safety entry permit holders" you can find a full list of them—all public—and, indeed, they seem to be all union representatives, which is interesting. I asked in the meeting and was told that they would check. The answer that came back simply said there are currently 38 inspectors, there have been no inspector suspensions since 2008, and the names of the inspectors have not been publicly released by WorkSafe. So there was doubt in my mind as to whether all of the inspectors were, in fact, government employees. The minister now assures me that they are, and it is reasonable that their names are not released. But I was kind of taken aback at the lack of information. All the briefing had to say was, "Well, they're all government employees." Well, the information that came back should have said that.

We know that inspectors are appointed under the Workers Compensation Act and that they must hold a qualification in work health and safety or a related discipline—it would be interesting to know what a "related discipline" is—and working towards a cert IV in government inspections or cert IV in government investigations or similar qualification or training. What is "similar qualification or training"?

At the heart of it, we are not convinced that this sort of general power needs to exist. We are not convinced that any case has been made. Nobody is directly at threat, certainly after hours or when premises are closed. If you have a case and you think there is a breach, it is not unreasonable to get a warrant of some kind. So in that regard we will be opposing clause 5 as is. I look forward to confirmation from the minister that clause 3 is actually workable and, should it be passed today, does not expose the inspectors. With that, we will certainly be supporting the return-to-work coordinators.

MR RATTENBURY (Molonglo) (11.54): This is a fairly straightforward bill that proposes two changes to improve workplace health and wellbeing. The first is that it requires any employer with an annual workers compensation premium of $200,000 or greater to employ a return-to-work coordinator. The bill sets out functions that return-to-work coordinators have to perform. These essentially are duties to assist injured

workers resume suitable duties at the workplace or return to work as soon as practicable. It also sets out duties of the employer in relation to the return-to-work coordinators; duties such as ensuring return-to-work coordinators are suitably qualified and filling a position in a reasonable time frame if it is vacant.

I think these are good changes. Return-to-work support is an important part of worker wellbeing. It is well known that returning to work is actually a very important way of helping a worker recover, and there are a range of health benefits: it is an opportunity to be active and do something positive; it helps with self-esteem; and it helps injured people take responsibility and actively participate with peers in the workplace.

I read some rather disturbing facts published by WorkCover Tasmania which said that being out of work long term increases the rate of suicide by about six times and is a greater health risk than most dangerous jobs. That underlines the value of reinforcing the opportunities for people to get back to work as quickly as possible.

The second amendment in this bill, and one that Mr Smyth has just spoken about in some detail, is an amendment to inspector powers. Inspectors will be permitted to enter workplaces to perform additional checks and inspections. Inspectors already have entry powers under the Work Health and Safety Act to check and enforce a range of worker health and safety obligations. This bill will permit them to also enter to ensure employers are complying with workers compensation obligations. These include checking that: employers maintain a current workers compensation policy; they declare the correct wage and industry classification information to insurers; they are paying injured workers their legal entitlements; and they are providing appropriate assistance to injured workers in relation to returning to work.

I believe that these are appropriate powers. First of all, it brings administrative efficiency. WorkSafe ACT inspectors conduct both workers compensation and work health and safety activity checks, so it is efficient to align their powers in terms of entry. Secondly, inspectors are performing an important duty protecting workers' rights and health and safety. Employers who do not comply with their obligations prevent workers from receiving the compensation and support to which they are entitled. Appropriate inspector powers and a work health and safety and workers compensation scheme that is administered efficiently across the territory will help ensure compliance and improve outcomes for workers in the territory.

Thirdly, I think the entry right is balanced appropriately in the bill. It is already expected that businesses will undergo inspections to check that they are compliant. The bill establishes conditions around entry. For example, inspectors can only inspect private residences that are workplaces if they reasonably believe that no reasonable alternative access is available, and the inspection is to be undertaken at a reasonable time.

I am happy to support this bill as I think it provides well-balanced improvements to the inspector powers, which are important to protecting the entitlements of employees. I also note that there are minor amendments which have been circulated and which respond to scrutiny comments on the bill. I am happy to support those minor amendments as well.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.57), in reply: I thank members for their comments during this debate, and I table a revised explanatory statement for the bill.

I advise members that we have looked into some of the concerns from the opposition in regard to clause 5, and I advise the Assembly that this particular clause relates to harmonising these laws with other jurisdictions. In relation to 192A(3) I advise that inspectors wear their identity tags at all times as practice. This is to harmonise, as I said, with those other jurisdictions but also to advise members of the public that such identity tags are recognised and are used and produced when required. I also advise that in regard to 192A(4), in regard to the penalty, this is a part of federal criminal code and the punishment set out at that federal level.

The bill is called the Workers Compensation Amendment Bill 2015 and is to improve and to modernise the territory's private sector workers compensation scheme. The bill will assist injured workers to return to their employment as quickly and safely as possible and will enable WorkSafe inspectors to perform their compliance and enforcement role more effectively. Employers in the ACT have a legal obligation to maintain a current workers compensation policy, declare the correct wage and industry classification information to insurers, ensure that injured workers are paid appropriately and provide assistance to injured workers to support an early, safe and durable return to work, offering alternative suitable duties where possible.

It is this last obligation to which I take the Assembly now. The bill, in part, seeks to improve the fairness and effectiveness of the private sector workers compensation scheme through the establishment of a formal return-to-work coordinator requirement for large and high risk employers. This initiative recognises that what happens in the workplace when a worker attempts to return to work following injury is one of the most important determinants of outcomes for workers and their employer. An injured worker's success in remaining at work or returning to work following injury is, by and large, determined by the delivery of early and effective medical and rehabilitation support, effective claims management, development of an effective workplace-based rehabilitation program and cooperation, collaboration and consultation between all parties.

Extensive Australian and international evidence has demonstrated three factors, in particular, which can significantly reduce work absence after injury. They are early contact with the worker by the workplace, a work accommodation officer with the aim of reducing or eliminating workplace barriers to enable an injured employee to return to work, and contact between healthcare providers and the workplace. An appropriately trained return-to-work coordinator can provide for each of these factors.

Return-to-work coordinators can play a crucial role in coordinating all parties, implementing a workplace rehabilitation program and helping injured workers cope with the life impact of an injury and getting back on the job. They assist in the preparation and implementation of return to work plans for the injured worker; they assist injured workers to remain at work or return to work as soon as it is safe to do so

following an injury or illness; and, where a worker cannot remain in their employment due to injury, they can assist in identifying transferable skills and alternative work. The dialogue around returning injured workers to meaningful employment is two-way, and a return-to-work coordinator can also play an important informal role in educating supervisors, injured workers and their co-workers about working safely following an injury.

In its 2015 report on best practice workers compensation, the Insurance Council of Australia identified return to work as being the single most important driver of success for all parties in workers compensation and early and sustainable return to work as being in the best interests of both employees and employers. In fact, the report goes on to identify the appointment of return-to-work coordinators as a key legislative enabler of return to work, along with the requirement to provide suitable alternative duties where a worker is unable in the short term or longer term to return to their pre-injury role.

As evidenced in the Australasian Faculty of Occupational and Environmental Medicine poison statement, both internationally and within Australia and New Zealand there is growing awareness that long-term work absence, work disability and unemployment are harmful to physical and mental health and wellbeing. Work absence tends to perpetuate itself, that is, the longer someone is off work, the less likely they become ever to return.

The story which the research reveals is compelling. It suggests that if a person is off work due to an injury for 20 days the chance of ever getting back to work is 70 per cent. After 45 days the chance of ever getting back to work is only 50 per cent, and after 70 days the chance of ever getting back to work is only 35 per cent. Involving a return-to-work coordinator dramatically improves a worker's chance of staying in work. Getting workers back to work reduces long-term mental and physical disability and lowers costs for employers. The change proposed by this government will be a win for employers and injured workers.

Proper training of return-to-work coordinators is also essential. This bill will require employers to skill existing staff and ensure that return-to-work coordinators have the right information to do their job. Experience in other parts of Australia demonstrates that providing return-to-work coordinators with practical training provides the knowledge and skills necessary to perform their role effectively and confidently. To assist employers, WorkSafe ACT will have a list of suitable training providers available on their website.

Because return-to-work coordinators are already appointed elsewhere in Australia, the ACT government recognises that some employers may already have trained return-to-work coordinators in place or that they may choose to appoint return-to-work coordinators who already have the training, skills and/or experience to undertake the role. For this reason the bill enables recognition of trained provision in New South Wales. WorkSafe ACT will also exempt a return-to-work coordinator from completing training if the employer can demonstrate that their appointee already possesses appropriate skills, qualifications and experience that match those required from return-to-work coordinators in the ACT.

The bill also requires that employers provide their appointed return-to-work coordinators with the resources necessary to undertake their role. This will ensure that return-to-work coordinators have access to the time, people and information with their organisations to effectively perform the role.

The requirement to appoint a return-to-work coordinator will apply to all self-insurers and to employers who pay an annual workers compensation premium of more than $200,000. In determining the appropriate threshold of appointing a return-to-work coordinator, the government took into account the nature of the work performed by the return-to-work coordinators, also the cost involved in the employment and training and the types of employers who are more likely to experience a significant number of work injuries.

Statistics demonstrate that employers with a large workforce or which undertake higher risk work are more likely to experience workplace injuries. It was clear that the most simple and reliable method for identifying these employers and legislating the appropriate threshold was to use the estimated yearly workers compensation premium. The premium available was chosen as a transparent, single indicator that was responsive to individual employer's circumstances, particularly the number of employees and risk of work performed. This approach ensures that these employers are most likely to benefit from appointing a return-to-work coordinator. To support employers and their return-to-work coordinators, guidance material will be provided to all appointed return-to-work coordinators to assist them in navigating the ACT workers compensation system.

Further, a transitional period of three months will allow employers to put appropriate arrangements in place following the introduction of the new requirements. Once an employer appoints their return-to-work coordinator, they will provide official notification of the coordinator's contact and other details. WorkSafe will maintain a register of return-to-work coordinators and will be periodically cross-checking against the information data provided by insurers and self-insurers to monitor implementation and compliance. Similar arrangements are already in place across the majority of Australian jurisdictions. This reform also fulfils the government's election commitment to establish a statutory obligation to engage return-to-work coordinators.

The second element to the reforms outlined in the bill relates to the powers of our regulator to enforce these new requirements and to ensure compliance with the territory business community. This bill will align with the WorkSafe inspector right-of-entry powers available for workers in compensation matters with the powers that already exist under work health and safety laws. At present WorkSafe inspectors are able to enter workplaces in order to check that work practices comply with work health and safety requirements. While inspectors are also responsible for ensuring workers compensation arrangements comply with the law, they currently do not have the same entry rights to the workplace.

These restrictions on inspector right-of-entry powers significantly impair WorkSafe's capability to perform its regulatory functions effectively. Historically WorkSafe operated separate workers compensation inspectors and health and safety inspectors. Compliance and enforcement activities were also conducted independently. Through

the Access Canberra initiative, WorkSafe ACT is adopting a more effective, holistic compliance model. In the future all inspectors will be trained to conduct both workers compensation and work health and safety activities.

By aligning inspector right-of-entry powers for workers compensation with work safety arrangements, the bill will allow integrated safety and injury management education, awareness, compliance and enforcement activities to be rolled out across the territory. This will significantly increase the effectiveness and efficiency of regulatory operations. It will also assist employers by providing a single source of expertise on workers compensation and workplace safety matters.

For this model to be successful, inspectors require the same powers of entry under both regimes. The entry powers in this bill will ensure that inspectors will be able to check that employers' workers compensation policies are correct and that their workers are properly covered in the unfortunate event of a workplace injury. It will also allow them to investigate whether employers and employees are meeting their return-to-work responsibilities effectively.

There are other benefits to inspector right-of-entry powers that are often overlooked. Inspectors are trained to follow the Access Canberra approach of engage, educate and enforce. This approach involves engaging with the employer and others involved in a particular issue at the work site and providing advice and education where appropriate. If necessary, they have the authority to apply more punitive enforcement tools.

Some employers avoid seeking assistance from WorkSafe because they have been unnecessarily frightened by urban myths and colourful stories about the powers and activities of inspectors. Yet inspector visits provide a positive opportunity to meet employers and educate them about the inspectors' broad roles. Visits can also be used to advise employers about work safety and workers compensation responsibilities.

At present the system dictates that inspectors performing inspections under the workers compensation scheme must ask permission on each occasion they enter a work site, allowing the employer the opportunity to refuse access. This is in contrast to the work health and safety laws where an inspector can enter a workplace without employer permission. This means that our law-abiding employers who consent to inspector visits may ultimately bear the cost of others' non-compliance. Less honest contemporaries may refuse entry and be inadvertently supported in their efforts to evade their legal obligations. As such, inspectors are consequently limited in their ability to engage with the recalcitrant employers.

Madam Speaker, as you are aware, businesses are facing ever-increasing pressures to reduce costs and may choose to either under-insure or not insure their business for the purposes of workers compensation. With the current restrictions on inspector powers of entry, employers can avoid being accountable, with the employees at risk of not being insured should they be injured at work. This can provide an unfair competitive advantage for employers and engage in sham contracting and other premium evasion practices. So by aligning these powers of entry in relation to workers comp with work health and safety, this bill will empower WorkSafe to address those practices, if they are occurring, to the benefit of all honest employers and workers.

Question resolved in the affirmative.

Bill agreed to in principle.

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

Notice No 1—Assembly business
Statement by Speaker

MADAM SPEAKER: Before we suspend for lunch, I would like to make a statement. Under standing order 136, the Speaker has the power to disallow any motion or amendment that is the same in substance as any question that the Assembly has resolved in the affirmative or the negative during that calendar year. In exercising the discretion under the standing order, the Speaker must have regard to the intent of the standing order. That intent is to prevent any obstruction or unnecessary repetition that would consume the Assembly's time.

Mr Coe's Assembly business notice No 1 is identical to Ms Burch's Assembly business notice No 5. The Assembly dealt with Ms Burch's notice earlier this sitting period. Accordingly, I direct that Mr Coe's notice be removed from the notice paper.

Sitting suspended from 12.14 to 2.30 pm.

Questions without notice
Hospitals—workplace culture

MR HANSON: My question is to the Minister for Health. Minister, on 17 June 2015, after years of a culture of bullying, you commissioned an independent review of the Canberra Hospital's training culture to examine allegations of bullying. On 8 October 2015 you released the review and accepted all of its recommendations. An AMA survey in November 2015 was reported in the *Canberra Times* on 1 January:

> Bullying, discrimination and sexual harassment of young doctors is rife in Canberra hospitals …

Minister, are bullying, discrimination and sexual harassment of young doctors still rife in Canberra hospitals?

MR CORBELL: I thank Mr Hanson for his question. I have no doubt that we continue to see instances of that behaviour. This is a deep-seated cultural problem that is endemic across the medical profession in the training hospital culture. As I have said previously in this place, it is not unique or isolated to Canberra Hospital as a training hospital. Studies and reviews nationally in other jurisdictions have also confirmed the prevalence of this unacceptable behaviour as part of the training culture amongst the medical profession.

My commitment as health minister is to drive a reform program working with the medical profession directly to change that culture. We have a comprehensive response underway and in place right now to do just that.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, how successful in reducing bullying has the review been that you commissioned into the hospital last year, given the ongoing reports of bullying, discrimination and sexual harassment?

MR CORBELL: It is simply too early to say. This is a deep-seated cultural problem that dates back many decades. It is not going to be remedied in a short two or three or even six-month, period. It is going to take a sustained and ongoing effort to see this culture addressed, and it is going to have to come from the senior doctors who train their junior counterparts.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what is the impact on staff morale of this bullying, discrimination and sexual harassment?

MR CORBELL: Anyone who experiences that behaviour will, of course, feel considerable distress and concern. The government is committed to providing support and appropriate frameworks to address those matters when they are brought to our attention, and that is why I have established a clinical leadership group within the hospital, led by our senior administrators and a number of senior doctors and representatives of junior doctors and with the engagement of the doctors' professional bodies and associations, including the AMA. We will stay very focused on this task.

But as I have said from the very beginning, and as my counterparts in other jurisdictions have said, changing this training culture is not a simple fix and it is not a quick fix but we are committed to a sustained effort to see this culture change and to see a healthy and professional environment in which senior doctors train their junior colleagues to be the clinical leaders of tomorrow.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, how many young doctors have left ACT government employment due to this culture?

MR CORBELL: I think that would be a very difficult figure to ascertain.

Ministers—code of conduct

MRS JONES: My question is to the minister for multicultural affairs. Minister, in your capacity as the multicultural affairs minister, you were in attendance at the Multicultural Festival over the weekend. Stallholders reported to me that you went

stall to stall with a non-incumbent Labor candidate who was asking them to display his political material at their stalls. Minister, were you involved in promoting Labor candidates whilst acting as minister at the festival?

MS BERRY: Sorry, can I seek some clarification, Madam Speaker. Did the member suggest that I went from stall to stall with a candidate?

MADAM SPEAKER: Mrs Jones, you might repeat the question. That is what I heard but I may have misheard. Mrs Jones.

MRS JONES: Stallholders told me that you were going stall to stall with a non-incumbent Labor candidate.

MS BERRY: No, I did not do that.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, why would it be appropriate for you as minister to use the position you hold to assist a person to approach stallholders to display political material at the National Multicultural Festival?

Members interjecting—

MRS JONES: Why would it be appropriate?

MS BERRY: I refer the member to my previous answer.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, why would stallholders then believe that you went stall to stall with the Labor candidate, who asked them to display their material?

MS BERRY: I refer the member to my answer to the first question. I did not.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, why then would stall holders have approached the opposition feeling threatened and intimated by the actions that you undertook at the Multicultural Festival?

MS BERRY: I did not do what the members opposite are making allegations about. I did not do that.

Trade unions—CFMEU

MR WALL: My question is to the Minister for Workplace Safety and Industrial Relations. Minister, I understand WorkSafe ACT were called to the Trilogy building site in Woden last week, as a result of a dispute between site managers and organisers of the ACT branch of the CFMEU over an alleged rights of entry issue. As part of the

dispute, the CFMEU representatives allegedly said that they would ignore WorkSafe ACT recommendations and go straight to Minister Gentleman. Minister, at any time was your office made aware of this particular dispute?

MR GENTLEMAN: I thank Mr Wall for his interest in workplace safety. I have not received any notification about the Trilogy workplace dispute in Belconnen. I have received notification from the CFMEU—

Mr Wall: Just to clarify for the minister, the Trilogy building site is located in Phillip, at the site of the old YMCA, not in Belconnen.

MR GENTLEMAN: As I said, I have not received any information about the Trilogy site. My most recent contact with the union was yesterday when they reported on a workplace accident in Gungahlin.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, is it normal practice for your office to be contacted by WorkSafe ACT when an incident arises on a building site such as this?

MR GENTLEMAN: I thank Mr Wall for his supplementary question. Yes, usually we do. The office most likely would have received a notification from Mr McCabe. I will have a look at the office records. It has not come directly to me, from memory. I will certainly have a look and come back to you with those details.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, have you or your staff or anyone else in your office had any formal or informal contact with the CFMEU organisers or members in relation to an incident at the Trilogy building site in Woden?

MR GENTLEMAN: As I said in the first part of my answer to the question, no.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, has the CFMEU contacted your office to complain about WorkSafe ACT?

MR GENTLEMAN: The CFMEU has not contacted my office about complaints against WorkSafe ACT. My understanding is that they work quite well together. In fact, most recently I heard from Mr McCabe in relation to work that he had done with the CFMEU in regard to the item I mentioned earlier in Gungahlin where he attended—

Opposition members interjecting—

MADAM SPEAKER: Order! I would like to hear Mr Gentleman's answer.

MR GENTLEMAN: He attended the site where there was a fall and, indeed, conducted the audit of the whole site after the incident, which is standard practice. The CFMEU representatives accompanied WorkSafe inspectors during that process. The inspectors have issued the principal contractor with six improvement notices covering issues such as housekeeping, testing of electrical appliances, clear access and egress and configuration of scaffolding and hand railing systems.

So you can see that WorkSafe ACT does work together with the union representatives, work safety inspectors and of course the employers to ensure the best outcomes for our workers on site in the territory.

Economy—performance

MS PORTER: My question is to the Treasurer. Treasurer, can you please inform the Assembly about how the ACT economy is currently performing?

MR BARR: I thank Ms Porter for the question. I am pleased to advise the Assembly that the ACT economy continues to perform well. Our gross state product grew by a solid 1.4 per cent in the 2014-15 fiscal year, bringing the size of the ACT economy to almost $35 billion. I understand that makes the ACT's economy larger than Tasmania's. Last year our population grew by 1.4 per cent, which is more than 5,000 people, and the territory recorded very strong levels of international migration.

Retail trade was up 5.5 per cent through the year to December, indicating a strong degree of confidence in local economic conditions. Despite a net decrease in Australian public service employment in the territory—decreasing by nearly 9½ thousand jobs over the past four years—3,300 new jobs were created in the territory during 2015. CommSec's most recent state of the states report saw the ACT jump from sixth place to third amongst the states and territories, further demonstrating our economic resilience.

I have said many times in this place that, in order to continue to grow our economy, we must step up our national and international engagement. No economy of our size ever got rich by selling to ourselves. So I am pleased to note that exports from the territory are growing very strongly and are now worth $1.3 billion annually. Our largest single export—education-related travel—grew by 16 per cent in 2014-15, reaching $436 million. This sector is expected to continue to benefit from a lower Australian dollar, combined with our efforts locally, in partnership with the territory's universities, to continue to boost the contribution of the education sector to the territory economy.

There are a range of other very positive signs that the private sector has confidence in our city, not the least of which was the announcement last month that Singapore Airlines will fly direct from Canberra to Singapore and from Canberra to Wellington. This of course did not happen by accident. It was the result of a lot of hard work by this government and the Canberra international airport. As I have mentioned, these flights will be a significant economic game-changer for Canberra.

Another recent sign of confidence in our economy was last week's sale of the former Currong and Allawah housing sites for $47 million. The strong competition amongst bidders for this block is a sign that investors continue to see great opportunities in the territory. All signs are pointing to things improving further through 2015-16, with gross state product expected to grow by 1.75 per cent this year, and increasing to two per cent in 2016-17. This is supported by external factors such as low interest rates and the lower Australian dollar.

Growth will also be supported by the territory government, as we continue our focus on creating the right conditions for local businesses to grow and create jobs but, most importantly, on encouraging new investment from national and international sources into our economy.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Treasurer, how has the territory government's support for jobs contributed to the growth of the territory economy?

MR BARR: There is no doubt that the territory has endured a very tough economic period in recent times, particularly as a result of the impact of the Abbott Liberal government on this city. We have prospered through this period due in no small part to the support and economic policies of the territory government. We have put growth and job creation at the heart of our government's agenda. Amongst other things, the outcomes of our business development strategies have included the creation of the CBR Innovation Network to nurture new and innovative firms, establishing Invest Canberra to promote trade and investment, and creating Access Canberra to make it simpler for businesses to work with government.

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MR BARR: I should not respond to interjections from the Leader of the Opposition, but I will say this much: it is very clear that, yes, I prefer Malcolm Turnbull more than you do. You are a man who is solely in the mould of Tony Abbott. No-one was more disappointed than the Canberra Liberal Party—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, you brought this on yourself.

MR BARR: No-one was more disappointed, Madam Speaker, than Jeremy Hanson when Tony Abbott, his role model, got the axe. When Tony Abbott got the axe, tears came across from that side of the chamber. The Abbott lovers over there, the most conservative branch of the Liberal Party in this country, the ones who were most closely aligned with Tony Abbott, they are the ones who are still—*(Time expired.)*

Members interjecting—

MADAM SPEAKER: Supplementary question. Order! I would like to hear Ms Burch's question.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, when I make a ruling it is extremely disorderly for you just to continue interjecting. Ms Burch.

MS BURCH: Could the Treasurer inform the Assembly what further actions the territory government will take to support the ACT economy.

MADAM SPEAKER: So long as the Treasurer does not announce new policy, the question would be in order.

MR BARR: We will continue to support the territory economy and jobs as this is a very high priority of my government. We are creating the right business environment by reducing red tape and by expanding the role of local small and medium-sized enterprises in government procurement. We are accelerating innovation through work with our higher education and research partners to make Canberra the research capital of Australia. We are supporting business investment through our strong program of national and international engagement. We are making the territory's tax system simpler, fairer and more efficient. We are abolishing stamp duty and insurance duty, and further increasing our payroll tax threshold, which is already the most small business friendly in Australia. In addition, the territory government has a four-year $2.8 billion infrastructure program that is contributing to growth and development right across Canberra.

MADAM SPEAKER: Supplementary question, Ms Burch.

MS BURCH: What risks are there to the continued growth of the ACT economy?

MR BARR: The greatest risk to Canberra comes from the commonwealth Liberal government. As we know, that risk now has a new form, the Deputy Prime Minister, Barnaby Joyce, who wants to move research agencies out of Canberra. This is in spite of protests by those agencies themselves and the key stakeholders for those agencies who understand the benefit of being in Canberra amongst world-class research institutions and the infrastructure that this city has.

We have heard about recent cuts to our national institutions and their needing to find further significant savings that can only now be found through job cuts or reductions in the services that they provide.

We also face risks associated with failing to honour validly entered infrastructure contracts. Those opposite are firmly responsible for that particular risk. This exposes the territory to significant financial and reputational risks that will make doing business in Canberra more risky and more expensive in the future.

Opposition members interjecting—

MADAM SPEAKER: Order, members!

MR BARR: These risks can be avoided and let us hope that they certainly are.

Planning—Red Hill

MR DOSZPOT: My question is to the minister for planning. Minister, many constituents, some of whom are with us here today, have contacted members of the opposition to express concern about the proposed housing development in Red Hill. Minister, what is the rationale for the considerable increase in density on the Red Hill site? Does the government have local community support for this project?

MR GENTLEMAN: I thank Mr Doszpot for his interest in planning across the territory, particularly in the Red Hill site. As we know, it is a planning opportunity to look at providing better community housing across the territory and better opportunities for Canberrans.

Interestingly, through the work that I did on the statement of planning intent and the interactions I had with stakeholders across the territory, all groups, all stakeholders, wanted to see slightly more density opportunities in the territory, better outcomes for those planning issues in regard to our population growth and less growth outside our borders.

The government has a view on urban renewal, a particular view which looks at providing better outcomes for territorians, and the backup work that I have done through the statement of planning intent—

Mr Coe: A point of order, on relevance.

MADAM SPEAKER: Please stop the clock.

Mr Coe: Mr Doszpot's question was: what is the rationale for the considerable increase in density on this site? We are not talking about the generality of the ACT but this particular site in Red Hill. We ask that you bring him to order.

Mr Corbell interjecting—

MADAM SPEAKER: If you want to contribute to the point of order, Mr Corbell, the convention is that you rise and make your point of order.

Mr Corbell: It's just to and fro across the chamber, Madam Speaker.

MADAM SPEAKER: While I am ruling on a point of order I expect that there is not to and fro across the chamber. On the point of order, the standing orders, standing order 118(a), make it clear that the answer should be concise and directly relevant. So far the minister has talked about the generality of the planning system. But I ask him to be directly relevant to Mr Doszpot's question which was about the rationale for the density on a particular site in Red Hill. Mr Gentleman.

MR GENTLEMAN: Thank you, Madam Speaker. The rationale behind density on that site, and many of the other sites that we are working on across the territory too, is urban renewal and the best outcomes for Canberrans. They have said to us they would like to have denser living. They want better opportunities to have mixed use developments as well, and they have particularly cited successful sites, if you like, like Braddon and Kingston and, of course—

Mr Coe: A point of order.

MADAM SPEAKER: Please stop the clock.

Mr Coe: With regard to that standing order on relevance, the second part of the question was: does the government have local community support for the project? Once again we are not talking about the generality of their surveys. We are talking about local community support for the development in Red Hill.

Mr Corbell: On the point of order, this is a highly subjective point: what is local community support? The minister is referring—

MADAM SPEAKER: That is a debating point. Sit down, Mr Corbell.

Mr Corbell interjecting—

MADAM SPEAKER: Sit down, Mr Corbell. That is a debating point.

Mr Corbell: Madam Speaker, will you allow me to finish my point of order?

MADAM SPEAKER: What I am hearing is not a point of order. It is a debating point. I will give you a few moments to make a point of order but, if you do not, I will sit you down.

Mr Corbell: Thank you, Madam Speaker. The minister is being relevant as he is pointing out the surveys and community assessments the government has undertaken in determining its policy position in relation to this site. There is no point of order.

MADAM SPEAKER: There is a point of order, and I uphold the point of order. The question was specifically about a site in Red Hill. My notes say: ask about the increased density in the housing site in Red Hill and, as Mr Coe, has reminded us, the question also talked about local support. With the two minutes remaining, I ask the minister to move from the generality to the specifics.

MR GENTLEMAN: Thank you, Madam Speaker. So far we have had 97 submissions to the directorate but, when I was making generalities, I was doing that for a purpose in that this has not come to me yet as planning minister. This has gone out to the public for discussion. It is with the directorate at the moment and, of course, it is under Ms Berry's portfolio as well.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, will the standard 21.5-metre high limit of RZ5 be maintained on the Red Hill site and will your government's standard solar access rules be a planning requirement for Red Hill?

MR GENTLEMAN: I thank Mr Doszpot for his question, particularly in regard to solar access. As I have said in this place before, we are looking at different ways of looking at solar access for the territory. I have given the directorate some instruction on going out to the public on how we should look at solar access for the territory; where are the appropriate opportunities for solar access? I look forward to the community consultation on that.

Mr Doszpot: Point of order, Madam Speaker.

MADAM SPEAKER: You have a point of order?

Mr Doszpot: The first part of the question was: Minister, will the standard 21.5-metre high limit of RZ5 be maintained on the site? The minister has not answered any part of that part of the question.

MADAM SPEAKER: I think that the minister has sat down and he does not intend to answer that part of the question. Is there a supplementary question?

Mr Coe: There is, Madam Speaker.

MADAM SPEAKER: Mr Coe.

MR COE: Minister, will the standard 21.5 metre height limit for RZ5 be maintained on the site? If you do not know it, feel free to tell us that you do not know it. Also, how many other suburbs have RZ5 developments that are located away from group or town centres?

MR GENTLEMAN: I will be looking at that development when it comes before my desk. At this stage I have not had detailed investigation of the height in regard to RZ5. I will certainly have a look at it. I will certainly have a look at those heights in other areas as well.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what is your proposed time line for the relocation of tenants, demolition, construction and also with regard to when the variation will be finalised?

MR GENTLEMAN: That is a question for the task force. It does not fall under my portfolio.

Housing—homelessness

MS LAWDER: My question is to the Minister for Housing, Community Services and Social Inclusion. Minister, the chapters of the 2016 report on government services

relating to housing and homelessness services were released in January. These show that the ACT had the highest percentage of clients with unmet need for accommodation services and the lowest percentage of clients provided with accommodation, or accommodation-related assistance, in Australia in 2014-15. Data also shows the number of ACT public housing dwellings in 2014-15 was below the level prescribed by the national partnership agreement on asset recycling. Minister, how will depleting the number of public housing dwellings below the level prescribed by the national partnership agreement on asset recycling impact on our already strained public housing waiting lists?

MS BERRY: I thank the member for the question. Stock numbers will vary slightly as the public housing renewal program and the housing capital program continue. I am advised that we will be back to 10,848 public housing dwellings by the end of the financial year.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, why did the ACT have the highest percentage of clients with unmet need for accommodation services in Australia in 2014-15?

MS BERRY: Our waiting list in the ACT is 21 per cent of our housing stock. Comparing New South Wales, their waiting list is 53 per cent of their housing stock. Queensland is the closest with 25 per cent. In the ACT we have provided homelessness expenditure funding per person based on all of the population per day of $53.32. The national average is $29.93. Forty per cent of that funding is to services that are directed at helping people.

Ms Lawder: On a point of order, Madam Speaker, the question was specifically about why we have the highest percentage of clients with unmet needs, not other statistics that Ms Berry is providing.

MADAM SPEAKER: I remind Ms Berry of the content of standing order 118(a). I am prepared to listen for a while to see whether she gets to the point of Ms Lawder's question, which was: why do we have the highest rate of unmet need, according to the ROGS report?

MS BERRY: I guess the point of the question goes to a particular piece of data at a certain point in time, which is the ROGS data. We also have data which we use every day, which is reported every month, from First Point which tells us exactly the number of people who are on our waiting list. First Point do not just collect data; they also follow through with every individual on those lists and they make sure that they are being supported if they require priority housing, high needs housing or other kinds of housing.

That is where I was going to with the 40 per cent of our homelessness support services that are directed at helping people sustain their housing so that they do not fall into homelessness themselves. I guess that is the point that I wanted to make when I was talking about housing in the ACT. Because of the work that First Point does we know our clients much better than anyone else does.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

Ms Lawder: Was that my first question?

MADAM SPEAKER: No; you have asked your supplementary, Ms Lawder.

Ms Lawder: But she did not really answer it.

MADAM SPEAKER: Our standing orders do not allow for any more.

Members interjecting—

MADAM SPEAKER: Mr Doszpot has risen to ask his supplementary question and I will hear him in silence.

MR DOSZPOT: Minister, why did the ACT have the highest percentage of clients with unmet need while having the highest recurrent cost per client accessing homelessness services?

MS BERRY: I think that the amount of money that the ACT spends on homelessness services in trying to keep people out of homelessness and in their homes is something that we should be proud of, not something where we should be thinking, "Oh, maybe we are spending too much on people to give them a decent crack at happiness by having a home over their heads in their lives."

The ACT homelessness services have been working very hard, particularly under a funding decrease from the federal government, which is over $3 million, through the national affordable housing agreement. We also have the lowest number of rough sleepers, and have had the lowest number of rough sleepers in the ACT for a long time. The ACT's homelessness services and First Point are doing a very good job of supporting people who are experiencing or at risk of experiencing homelessness and are supporting people to stay in their homes so that they do not fall into homelessness in the ACT.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, why did the ACT have the second highest recurrent cost per person of the population but such a high level of unmet need in Australia for housing and homelessness services in 2014-15?

MS BERRY: I did give some data on this previously. Our waiting list is 21 per cent of our housing stock. If we compare that to New South Wales, their waiting list is 53 per cent of their housing stock, in Victoria it is 55 per cent of their housing stock, and in Western Australia it is 70 per cent of their housing stock. Queensland is the closest to us, with 25 per cent.

I think those figures show that we are doing a very good job, but of course we can always do better with supporting people in homelessness services, and in getting them

into homes of their own, through public housing, community housing, private rentals or homes of their own. There was a particularly positive announcement from the federal opposition this week starting a conversation around negative gearing and capital gains tax, two of the levers that the ACT government does not have responsibility for. But we do have responsibility for providing affordable housing. We have the highest amount of public housing in the country. We are not privatising our public housing, as the New South Wales government is doing. Our homelessness services provide the best possible support in keeping people out of homelessness.

Hospitals—infection rates

MR SMYTH: Madam Speaker, my question is to the Minister for Health. Minister, according to a recently released AIHW report, Canberra public hospitals have the highest national rate of the infection staphylococcus aureus bacteraemia also called SAB or golden staph. In 2014-15 the ACT rate was 0.84 cases per 10,000 days of patient care. This is the second time in five years that the ACT has had the worst national result. Patients who develop golden staph are more likely to suffer complications that result in longer stays in hospital, and the most serious infections can result in death. They also result in potentially unnecessary increases in the cost of hospitalisation. Minister, why has Canberra consistently higher rates of golden staph than the rest of the country?

MR CORBELL: Canberra Hospital does not have consistently higher rates but we do see exceedences above national averages from time to time. This is common in a teaching hospital of the size of the Canberra Hospital where there is a relatively smaller number of people being treated compared to larger jurisdictions. So any variance can show up as a larger percentage change.

This is a common issue with statistics in relation to these types of matters. I am sure that Mr Smyth would be aware of it. But I would refute the suggestion that the ACT consistently sees figures above this level. We do not. But we do see infection rates vary from time to time. I will not be taking my advice from the Liberal opposition when it comes to how we are placed compared to other jurisdictions. I will be taking my advice from the clinical leaders on these questions, including people such as Dr Peter Collignon at the Canberra Hospital and the ANU, who comprehensively addressed this issue when these statistics were released earlier this year.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what are you doing to reduce golden staph infections in Canberra's public hospitals?

MR CORBELL: That is just a silly question. What does Mr Smyth think I should do? I am not an infectious diseases expert. My responsibility—

Mr Hanson interjecting—

MADAM SPEAKER: Order!

Mrs Jones interjecting—

MADAM SPEAKER: Order Mrs Jones!

MR CORBELL: It is a silly question.

MR HANSON: A supplementary.

Members interjecting—

MADAM SPEAKER: Order! I will hear Mr Hanson's supplementary question in silence—from both sides.

Mrs Jones interjecting—

MADAM SPEAKER: Mrs Jones!

MR HANSON: Minister, what is the additional cost to our health service of our highest rates in Australia of golden staph?

MR CORBELL: I think that would be a very difficult point to try to ascertain. Madam Speaker. All I am able to say further on this issue is that I will not be listening to Associate Professor Smyth over there, or Dr Hanson or anybody else, when it comes to this matter—

MADAM SPEAKER: Sit down, Mr Corbell.

MR CORBELL: Oh, come on, Madam Speaker; this is a debating chamber.

MADAM SPEAKER: Sit down, Mr Corbell. I am going to make a ruling. I am drawing your attention to the standing orders of this place where you address people by their title and their name and not by any other frivolous means. You, as the most experienced member in this chamber, know that, and sitting around smirking about my ruling does not relieve you of your responsibilities.

Mr Hanson: I will accept "Colonel," Simon.

MR CORBELL: I am just having a good day, Madam Speaker. Madam Speaker, I accept your ruling.

Mr Rattenbury: Madam Speaker, you heard what Mr Hanson just said.

MADAM SPEAKER: I did not hear what he said. I called him to order.

Mr Rattenbury: Madam Speaker—

MADAM SPEAKER: Are you making a point of order?

Mr Rattenbury: I am making a point of order. Straight after your ruling, Mr Hanson sat there and called out across the chamber, "Come on Colonel Simon," in immediate defiance of what you had just previously said.

Mr Hanson: On the point of order—

MR CORBELL: Could you stop the clock, Madam Speaker.

Mr Hanson: Close but no cigar. I said, "I'll accept 'Colonel' as the title rather than 'Mister'"—rather than "Doctor", for which I am not qualified.

MADAM SPEAKER: There is no point of order. Mr Hanson, you are consistently being unruly, and I am warning you. Mr Corbell.

MR CORBELL: Thank you very much, Madam Speaker. To conclude my answer, it is my view that I will not accept the advice and the position of Mr Hanson or Mr Smyth, who seem to think that they know better than medical doctors and professors in this field.

Mrs Jones interjecting—

MR CORBELL: I will accept the advice of those who do know what they are talking about when it comes to infectious diseases in our hospitals.

Mr Hanson interjecting—

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

MR CORBELL: And I will make sure that they are properly resourced to do their job. And they are properly resourced to do their job, Madam Speaker.

Mrs Jones interjecting—

MADAM SPEAKER: Mrs Jones!

MR CORBELL: Mr Hanson, Mr Smyth or Mrs Jones might like to think that they are the experts—

Mrs Jones interjecting—

MADAM SPEAKER: I warn you, Mrs Jones!

MR CORBELL: They want to don the white robes, put on the stethoscope and go and pretend that they are doctors and they know what they are doing in our hospitals. *(Time expired.)*

MADAM SPEAKER: Mr Hanson on a supplementary question.

MR HANSON: Minister, why do we have the highest rates of golden staph in Australia, the longest waiting times in ED and systemic bullying throughout our hospitals?

MR CORBELL: I refer Mr Hanson to all of my answers in relation to these questions.

Crime—unprovoked attacks

MR COE: My question is to the Attorney-General. On 1 February 2016 the *Canberra Times* reported that "Attorney-General Simon Corbell stands firm on one-punch laws". The article stated:

> Mr Corbell addressed the territory's judges, magistrates and legal community on Monday, using the platform to argue once again against "hasty" legislative retaliation to unprovoked assaults.

In the article you said that current laws were "adequate". Attorney, what are you doing to ensure that one-punch incidents are reduced in the territory?

MR CORBELL: Of course, I am not allowed to announce executive policy in question time; I can simply reiterate to members opposite what the government's position is in relation to tackling this level of violence in our community, that is, to focus on the source of this form of violence, which is the abuse of alcohol, the excessive consumption of alcohol, and how it leads to violence in our community.

What is very clear is that the legislative impulse—that kneejerk reaction—to simply increase penalties as though that will stop violence is, we know, fundamentally flawed and misplaced, and the government does not accept that position. I have to tell you, Madam Speaker, and I have to tell those opposite through you, Madam Speaker, that I can state very clearly that someone who is drunk and decides to deliver a coward's punch to somebody is not really thinking about what the penalty is on the statute book when they act in that manner. It is no deterrent to them whatsoever. They are not thinking, "Gee, I'm going to get 15 years for this instead of 13." They are not thinking that, because they are drunk and violent.

The issue for us is not to rush to that simplistic impulse of just increasing the penalty; the issue for us is to tackle the excessive consumption of alcohol and the consequences that brings about. This government has implemented significant reforms—risk-based licensing reforms, extra police on our streets—designed to tackle the overall level of alcohol-related harm in our community. We have seen a significant reduction in the overall level of alcohol-related harm in our community. That is confirmed in the statistics we see from our police, our Ambulance Service and our courts. However, we have also seen an increase in some locations in our city, notably in our night-time entertainment precincts. So the government is now finalising reform options for a further round of changes to our liquor licensing laws to further strengthen our capacity to deal with the irresponsible consumption of alcohol and how that leads to violence, because that, and only that, will be the way that we deal with this form of violence at its source.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, how will such reforms minimise the number of incidents caused by illegal drugs?

MR CORBELL: It is the case that there is poly substance abuse occurring when it comes to some people who are out late at night on a Friday or Saturday night. Yes they are using drugs. Yes they are using alcohol.

There are a number of reform options that the government has flagged through the discussion paper process that deal with an onus on licensees when it comes to whether or not they are aware of drug use or drug dealing on their premises and attaching that to their responsibilities as a responsible licensee, in the same way we do with alcohol. Similar provisions already exist in New South Wales law, in Victorian law, and the ACT government has indicated that we are giving consideration to similar provisions in ACT laws. So we are very much aware of these issues.

Of course the fundamental challenge with drug use is that drugs are already illegal. It is already illegal to use drugs. So it is not as though there can be a further legislative sanction in that respect. It is already an illegal substance. But what we can do is make sure that, where licensees are in charge of a premises and they are aware of illicit drug use occurring, they have legal responsibilities to ensure those people no longer remain on the premises. There are types of actions like that that can be taken to try to reduce the impact of that poly substance use. It is a difficult and complex issue but not one that the government is ignoring.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, is the government actively considering lockouts as part of its suite of reforms that you discussed?

MR CORBELL: I thank Mr Hanson for the supplementary. I would simply draw it to Mr Hanson's attention that lockouts are already provided for in ACT law.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, when do you expect to bring this suite of reforms forward either to the Assembly or the public's attention?

MR CORBELL: Shortly.

Canberra Hospital—emergency department

MS BURCH: My question is to the Minister for Health. Can the minister please update the Assembly on the progress of the construction of the emergency department expansion at the Canberra Hospital?

MR CORBELL: I thank Ms Burch for her question and interest in the expansion of the emergency department at the Canberra Hospital. The government has committed to a $23 million program to expand the capacity of our key emergency department by 30 per cent. That work is well underway.

Last month I had the opportunity to officially open the first and largest stage of this five-stage redevelopment of our emergency department at the Canberra Hospital. This provided for five additional beds in a new purpose-built mental health and short stay unit. This is a critically important capacity for the emergency department. We see a significant number of people experiencing the distress of acute mental illness presenting at our emergency department. The previous facilities for short stay mental health patients in the ED were in my view and, I think it would be fair to say, in most people's view, inadequate.

I am very pleased to say that the new facilities are of a very high standard. They are respectful of the circumstances and difficulties people with mental illness face when they present at the emergency department and they provide a quality environment in which they can receive the care that they need. In addition, we are increasing the overall capacity of the emergency medicine unit. The emergency medicine unit is an important part of the emergency department. Again, we have increased the total number of beds in the emergency medicine unit and that capacity is now operational as well.

This is a challenging project. We have to redevelop and expand the emergency department whilst it continues to operate day to day. I am very pleased to say that so far the project is being delivered on time and within the budget provision. The first stage is now complete. This has been facilitated by the use of 26 prefabricated modules that are being effectively extended out from the existing fabric of the emergency department building and allowing that redevelopment and refurbishment to occur, staff and functions to move into that and then the redevelopment moving into some further areas within the emergency department.

Overall, this redevelopment is going to deliver a 30 per cent increase in the number of beds in our emergency department. That is a very important increase in capacity. It is going to see a substantial refurbishment and realignment of the emergency department as a whole so that work flows within the department are better and so that there is a more logical arrangement of space and activity.

For the first time we will have a dedicated paediatric unit within the emergency department so that families with children, particularly younger children, will be able to be seen in an environment which is separate from the sometimes distressing, difficult and more noisy parts of the emergency department where adults are being seen. That is important for young kids when they are sick and when they need to be at the ED. The last thing they need is some of that other distress that can come from being in the middle of a busy ED.

This is a very important upgrade. I am pleased to say it is on time, it is on track and we are seeing some real improvements in both the capacity and the quality of our emergency department facilities.

MADAM SPEAKER: Supplementary question, Ms Burch?

MS BURCH: Minister, can you explain the benefits of the emergency department expansion at the Canberra Hospital?

MR CORBELL: I would like to thank Ms Burch for her supplementary. Yes, the benefits are that we will see an extra 1,000 square metres of floor space overall. The number of treatment spaces will grow from 54 to 75 when it is completed late next year. There will be three extra ambulance bays; there will be 21 additional treatment spaces overall, and that includes nine more acute beds for patients with severe conditions; three more beds or cubicles for patients with less severe problems; three more beds in the emergency medicine unit; two designated paediatric consulting rooms, as I mentioned earlier; two additional emergency resuscitation bays; and the new mental short-stay unit that I mentioned earlier.

So this is a really significant expansion of capacity. In my most recent visit to the hospital, I had a good conversation with the acting director of the emergency department and some of her staff. They strongly welcome this increase in capacity. They see it as making a real practical difference to their day-to-day work, both in terms of their own work environment but also in terms of the environment in which they deliver care to Canberrans needing emergency care.

It is great outcome for our hospital; it is a great outcome for our health service. This, in combination with the work practice and work flow reforms that the government is strongly focused on to drive down waiting times in our ED, means that we are well on track to delivering more timely access in the time frames that people expect in our emergency department. That is one of my key priorities as Minister for Health.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, can you explain to the Assembly how the new mental health short-stay unit within the new and expanded emergency department could benefit and care for Canberrans?

MR CORBELL: I thank Ms Porter for her supplementary. Yes the mental health short-stay unit is a critically important part of the emergency department. As I said earlier, many people with mental illness present to the ED. They need a secure, safe place to be cared for whilst an assessment is made, particularly while their crisis is being stabilised. Many of them can see their immediate, acute crisis stabilised without the need for admission to the adult mental health unit, and that is a good thing if that can be achieved.

Providing these dedicated spaces, purpose built, private, respectful, with a lot of natural light coming in, unlike the previous unit, helps those people who are suffering an acute mental illness and who are in crisis. It is a very, very important care setting and one that is delivering real results.

We have also made sure that the design of the unit has occurred in consultation with key mental health clinicians and mental health consumers. We want to make sure that our medical and nursing staff have the facility structures the way they need them to provide a caring and calming environment for people who are distressed as a result of a mental illness or other mental condition. So it is a great outcome.

I am very pleased to see it commissioned and operational, and that, in combination with the world-class facilities we have at our adult mental health unit, means that we really are, I think, delivering at the benchmark we need to deliver for people who suffer mental illness and other mental conditions.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, can you please outline to the Assembly the benefits of the new paediatric streaming areas that you mentioned and the clinical forensic medical service within the new emergency department?

MADAM SPEAKER: Before I call the minister, supplementary questions have to be directly relevant to the original question or to matters that arise out of answers to the original question. I am open to correction but I do not know whether at any time in the question or the discussion in answers there has been reference to any forensic health facilities in ED. I rule the first part in order and the second part out of order.

MR CORBELL: They are all about the expansion of the ED, Madam Speaker, but I accept your ruling. The new paediatric streaming facilities which are being delivered in the ED provide a specialised area for young patients—young children predominantly—and their families, their parents and carers, who need to bring them to the ED for emergency care.

There is a lot of trauma and stress associated with an emergency department from time to time. This can be difficult enough for adults, but for children it can be particularly traumatic. So we will have a dedicated waiting room, a private waiting room, for families with young children. They will have a small play space in there, separate from the main waiting area. There will be, if you like, a sub-waiting area that these families can be directed to. This will allow them to be separate from some of those other parts of the ED. Then we will have six dedicated patient treatment bays, two consultation rooms and separate bathroom facilities with a parents' facility as part of that.

This is a really important capacity. We are grateful for the commonwealth government's support for this element of the project. They have contributed approximately $5 million to assist with this element of that ED expansion. That is a good outcome for Canberrans and a good outcome for parents, carers and young children, because it is designed to improve patient outcomes. If young people are calm, if children are calm and less stressed, they are going to respond better to treatment, and care will be able to be provided more effectively and efficiently. It is a very good outcome for families and their children. We look forward to seeing that project delivered in the coming months.

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

Supplementary answers to questions without notice

Planning—building certifiers
Trade unions—royal commission
Trade unions—CFMEU

MR GENTLEMAN: I was asked a question by Mr Coe in regard to buildings in Canberra that may have been issued certificates of occupancy and are at risk of requiring residents to permanently vacate them due to serious structural issues. I can advise that my directorate has advised that Access Canberra is not aware of any cases of buildings which are at risk of requiring residents to suddenly vacate them due to serious structural issues.

Mr Wall asked a question in regard to my directorate providing information or evidence to the royal commission. I can advise that some documents from WorkSafe ACT were provided in response to requests from the royal commission. No other evidence or information was provided by officials in relation to my industrial relations portfolio.

Today Mr Wall asked a question in regard to a Woden construction site and a WorkSafe issue. Mr McCabe has provided me with some information. WorkSafe ACT attended a building site at Woden controlled by Milin Bros to assist with a dispute concerning right of entry. WorkSafe received the request to attend from a CFMEU organiser who was at the site in question. A concrete pour was underway. Milin Bros denied entry to three CFMEU representatives asserting that they had not provided their full names as required by the WHS Act. Both the employer and the union have provided opposing claims regarding the facts of the matter. WorkSafe is investigating the matter to determine whether Milin Bros acted lawfully in denying entry to the CFMEU under the WHS Act. The investigation into the matter has not concluded at this stage.

As with all such matters, if either party is found to have breached their legislative obligations, WorkSafe would then need to determine what enforcement action, if any, was appropriate given the circumstances of the particular case. Enforcement action can, for example, range from education through to the issuing of formal notices through to prosecution. Although the union official was denied entry by the employer, two WorkSafe inspectors conducted a workplace inspection and examined the two areas of concern identified by the union officials. WorkSafe found no safety breaches in respect of one of the two matters—an amenities issue—and a minor breach in terms of the second matter—an access and egress issue. The employer undertook to rectify the issue. A few other minor issues were also identified.

It should be noted that the question of how serious any alleged breaches may be is not relevant to the right of entry provisions in the WHS Act. These provisions mirror those in harmonised WHS legislation developed by the national safety body, Safe Work Australia, and adopted in several states and territories. The WHS Act imposes no threshold for the seriousness of the suspected safety breaches; simply that the

union official must identify what they are, where they believe they are occurring on the site and be able to show that they have a reasonable belief that the safety breaches are occurring.

Papers

Mr Barr presented the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contract:
>
> Francis Duggan, dated 2 February 2016.
>
> Short-term contracts:
>
> Elizabeth Beattie, dated 25 and 27 January 2016.
>
> Joshua Rynehart, dated 1 and 2 February 2016.
>
> Meredith Whitten, dated 2 February 2016.
>
> Contract variations:
>
> Dorte Ekeland, dated 18 January 2016.
>
> Leanne Cover, dated 27 January and 1 February 2016.
>
> Liesl Centenera, dated 7 September 2015 and 29 January 2016.
>
> Philip Canham, dated 2 February 2016.

Public Accounts—Standing Committee
Report 15—government response

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

> Public Accounts—Standing Committee—Report 15—*Review of Auditor-General's Report No. 1 of 2013: Care and Protection System*—Government response.

I move:

> That the Assembly take note of the paper.

In November 2011 the Community Services Directorate asked the Auditor-General of the ACT to undertake a performance audit of care and protection services. The audit covered the period July 2009 to June 2012 and was a complement to the two reports issued by the Public Advocate in October 2011 and May 2012. The purpose of the Auditor-General's examination was to assess if the Community Services Directorate and relevant statutory office holders were providing adequate support services to children and young people deemed at high risk of entering care and who are the most vulnerable.

On 7 March 2013 the Auditor-General of the ACT released performance audit report No 1 of 2013 into the care and protection system. The Auditor-General made a number of findings and presented 11 recommendations with 66 parts to the government. Two updates on the government's implementation of recommendations to the audit report have previously been provided to the Standing Committee on Public Accounts. The first update was provided in April 2014 and a second update in May 2015.

Madam Assistant Speaker, as Chair of the Standing Committee on Public Accounts, Mr Smyth tabled the *Review of Auditor-General's report No. 1 of 2013: Care and protection system* in the Legislative Assembly on 24 September 2015. The Standing Committee on Public Accounts considered the government's two previous responses to the Auditor-General's report and the review produced six recommendations.

The government, led by the Community Services Directorate, has undertaken a significant continuous program of reform, in partnership with key stakeholders, to strengthen service delivery and improve outcomes for vulnerable children and young people and their families. This program of reform has been ongoing since 2012 and we are seeing great changes in the system and positive outcomes for children and young people and their families.

These reforms include an integrated management system that is providing practical day-to-day guidance to child and youth protection services workers; improvements in early intervention services, such as the child and family centres and the child, youth and family services program—these improvements are having an impact in diverting vulnerable families away from child and youth protection services and into alternative government and community supports; the integration of statutory services of youth justice and care and protection into a single service known as care and youth protection services to provide a more holistic service at the right time for the right duration—the integration of care and protection services and youth justice has been effective in implementing a single case management framework, improvement processes, removing duplication and increasing collaboration within the Community Services Directorate and across the sector; strengthening of training and supervision for child and youth protection workers to support a knowledgeable, prepared and skilled workforce; and investing $2.7 million capital to develop a new client management system to replace the current legacy system and improve record keeping and information sharing.

Most importantly, we are investing $38.9 million over four years to fund the out of home care system, including an investment of $16 million in new services and reforms through the implementation of the government's new out of home care strategy, A step up for our kids—one step can make a lifetime of difference. I am very pleased to note that the new services being delivered by our community partners—Uniting, ACT Together and the Red Cross—have commenced.

The Office for Children, Youth and Family Support and, more broadly, the Community Services Directorate, are achieving a well-planned service system with skilled staff who are providing better services to vulnerable children, young people

and their families. By its very nature, continuous improvement means there is always work to be done. That is why the ACT government is committed to continuing to improve the lives of its most vulnerable citizens and will achieve this through implementation of A step up for our kids.

As I have said, this government is committed to improving outcomes for vulnerable children, young people and their families. We will continue to step up to ensure our children and young people are strong, safe and connected. I thank the Standing Committee on Public Accounts for their review report and table the government's response.

Question resolved in the affirmative.

Papers

Mr Gentleman presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2016 (No 1)—Disallowable Instrument DI2016-1 (LR, 11 January 2016).
>
> Children and Young People Act—Children and Young People (ACT Out of Home Care) Standards 2016 (No 1)—Disallowable Instrument DI2016-3 (LR, 1 February 2016).
>
> Financial Management Act—Financial Management (Transfer of Funds) Direction 2016 (No 1)—Disallowable Instrument DI2016-5 (LR, 4 February 2016).
>
> Radiation Protection Act—Radiation Protection (Chair of Council) Appointment 2016 (No 1)—Disallowable Instrument DI2016-2 (LR, 19 January 2016).
>
> Road Transport (General) Act—Road Transport (Offences) Amendment Regulation 2016 (No 1)—Subordinate Law SL2016-1 (LR, 4 February 2016).
>
> Taxation Administration Act—Taxation Administration (Eligible Impacted Properties—Loose-fill Asbestos Insulation Eradication Buyback Concession Scheme) Determination 2016 (No 1)—Disallowable Instrument DI2016-4 (LR, 4 February 2016).

Marriage equality
Discussion of matter of public importance

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

> The importance of marriage equality in the ACT.

MS PORTER (Ginninderra) (3.38): Members will remember on 19 September 2013 the Attorney-General, Mr Simon Corbell, presented the Marriage Equality Bill 2013 in the ACT Legislative Assembly. Madam Assistant Speaker, as you know, the bill sought to end the unreasonable legal discrimination still experienced by same-sex couples at that time, and that still exists, by making it impossible for them to marry under Australian Capital Territory law. The bill sought to end this unreasonable legal discrimination.

Following amendments, on 22 October 2013 the ACT Legislative Assembly passed the Marriage Equality (Same-Sex) Act 2013 with the unanimous support of my eight Labor colleagues and the Greens member, Mr Shane Rattenbury MLA. In passing this bill, the ACT did not purport to introduce a new definition of marriage but, rather, create equal provision for committed same-sex relationships in the ACT that would co-exist with the commonwealth Marriage Act 1961.

The passage of this legislation marked Australia's first formal recognition of same-sex marriage, and in less than a week of the act's commencement, 47 couples had given the required month's notice of their intention to marry. On the first Saturday following the first date same-sex ceremonies could be held under the act, 31 same-sex couples were married.

However, because of the way marriage is defined under the commonwealth Marriage Act 1961, on 23 October 2013 the commonwealth government successfully challenged the act's validity in the High Court, where the full bench of the High Court held that the commonwealth Marriage Act exhaustively states the law on the solemnisation and dissolution of marriage in Australia. The High Court decision meant, therefore, that 31 marriages performed under the legislation in the five-day period between the act's implementation and the High Court's ruling were declared to have no legal effect. This was a sad day.

Madam Assistant Speaker, the fight must go on, however. It must go on because we on this side recognise that through struggles such as this progress is made. A series of small wins and sometimes occasional losses mean, in the end, people have the rights they deserve. We are a party of progress and affirm the principles of equality as expressed in our human rights charter. The inequality that exists in marriage is a wrong that has existed for far too long. For these reasons the ACT government will continue to advocate passionately in support of genuine legal equality for all couples.

Madam Assistant Speaker, as you know, the commonwealth has committed to a plebiscite in 2017 to assess support for marriage equality. If recent estimates are anything to go by, it will cost the taxpayers about $160 million to confirm something we already know, as the majority of the general population in Australia, I believe, fully support marriage equality. Recent independent opinion polls indicate that there is more than two-thirds popular support for same-sex marriage. That is about 69 per cent in favour, according to the Fairfax-Ipsos August 2015 poll.

The continued delay in legislating for marriage equality is a Tony Abbott-Malcolm Turnbull tactic which simply perpetuates the inequality of same-sex attracted

Australians with the unfortunate compounding prejudice. As you know, this continued delay denies members of the same-sex community equal respect and dignity and discriminates purely on the basis of sexual orientation. The implications of this are obvious: that same sex couples are less capable of being in a stable, loving, resilient and committed relationship.

As we all know too well, repeated exposure to such messages is linked to a high level of depression, anxiety, stress, lower self-esteem, and mental and physical ill health in same-sex attracted people. It has also led to myths spreading in our community about the equality of same-sex relationships, the suitability of same-sex couples as parents, and the most extraordinary suggestion that it somehow threatens those of us who are in so-called normal marriages.

I have previously outlined in this place why I support marriage equality, and I have related how I was brought up in a family where my parents provided me with a firm grounding in social justice and the acceptance of others and the acceptance of difference, because they believed in fairness and equality. I understand that the position I have taken may not align with some in this place, and I also know there are many in the community who are strongly opposed to this change because of their deeply held views, and I respect that.

I also understand that these are not matters of personal belief only. As I said previously, these matters also go to the heart of the basic rights of all Australian citizens. I cannot understand that not giving two people who love one another and are committed to each other the opportunity to marry is somehow correct and somehow fair. My own values and belief system tell me it is patently unfair. I must remain true to my own values and belief system. That is why I say again that marriage is a right and it should be available to all Australians regardless of individual sexual orientation. I believe it is unreasonable and completely unacceptable for the status quo to continue any longer. I am of the view that the federal government should stop dragging out this issue, bring forward the Marriage Equality Bill and put it to the vote without delay.

MR HANSON (Molonglo—Leader of the Opposition) (3.44): I thank Ms Porter for bringing this matter before the Assembly today. I note that this is now the second week in a row when the topic of the matter of public importance is a matter that is, by law, in the federal domain. As Ms Berry said with respect to penalty rates, these are federal matters, and we find ourselves in the same position today.

I want to talk about some of the issues that Ms Porter raised, and I want to make a point about the legislative process with regard to same-sex marriage and the bill that was brought before the Assembly in 2013. Legal opinion, including from the commonwealth Attorney-General, was that the legislation was unlawful and invalid because it was a federal jurisdiction matter.

Members of the opposition, whether they support same-sex marriage or not—some of us do; some of us do not—looked at the legal opinion and made a deduction based on that opinion that it was clear and evident that the legislation was invalid. Regardless, the government pursued the legislation, and ignored the requests of the federal Attorney-General at the time, who said, "You've passed this legislation. Just delay the

marriages until the High Court has had a chance to rule, so that if the High Court does rule that the legislation is invalid, we don't have what could be quite a distressing situation where people have married under legislation that is invalid, and those marriages would be declared invalid." That would have been disappointing for those people, understandably.

That was ignored. The legislation went to the High Court, and there was a unanimous verdict that the legislation was invalid. That exercise cost a million dollars. Ms Porter's concern with the plebiscite is that it will cost money. If her concern is about spending money when it could be spent in other ways, this Assembly—I do not know whether you could compare federal budgets to local budgets in terms of scale—also spent a lot of money on something that I would argue, and five High Court judges would argue, was invalid legislation.

I am disappointed that I have had to start my speech like this, because I was hoping that in her final days in this place there would not have been the sort of point scoring that we have seen. I remind Ms Porter, as she attacks the federal government, that the Labor Party in office had six years and did nothing. Indeed the then Prime Minister, Julia Gillard, said she did not support same-sex marriage. So I find it somewhat hypocritical for those opposite to criticise the federal government for a position of the Prime Minister, who openly supports same-sex marriage, when their own Prime Minister, Julia Gillard, who did not act, said she did not support same-sex marriage.

Clearly, the Prime Minister is endeavouring to bring the community together on this. If it is going to get through the parliament, it is clear that on both the Labor and Liberal sides there are different views, and it is important to let the community have their say.

Now that this is in the federal domain—it clearly is, as it always was, as the legal opinion said it was and as five High Court judges unanimously ruled—this now is really a matter for individuals in this place. This matter will go to a plebiscite. The federal Labor Party did not act. The federal Liberal Party at least has acted. At least they have made a decision that they are progressing on this. One way or another, there will be a plebiscite.

This never came out of the Labor Party federally. They just said no. Julia Gillard said, "No, I don't support same-sex marriage; end of story." At least those in the Liberal Party, if they do support same-sex marriage, as many of us do, have supported this.

Let me be very clear that when this legislation came before the Assembly, there were mixed views in the Liberal Party locally. Madam Assistant Speaker, I note that you are a strong advocate for same-sex marriage, and that is well known. There are members of my party who are not, and who support traditional marriages. I absolutely respect both views. But it is clearly not a matter for this Assembly. We can have our individual opinions, and that is great, and it is interesting, because we will all get to vote yes or no in a plebiscite. I have been very open about saying that I will vote yes in a plebiscite to support same-sex marriage.

I will vote, just as any other member of the community will vote. It is clear that this is now a federal issue, and the result of that plebiscite, whatever it is, will go before the parliament. And there are a range of views. As I said, I respect them. What you see from our side is a range of views, just as there are a broad range of views in the community. I respect—in fact, I welcome and embrace—the diversity of views within the Liberal Party, because our party represents the community.

In the community, Madam Assistant Speaker, there is a broad diversity of views on this issue. Some, like you, are strong advocates for same-sex marriage; others are very strong supporters of traditional marriage. There are those who are less passionate about this issue, who sit somewhere in the middle, and who are not particularly engaged by this one way or another. That is reflective, I think, of our community.

As we progress with this issue, it would be useful to remember the history of what happened in this place, to get the facts right, and to acknowledge that the position of the Canberra Liberals about the legislation that was presented before us was that it was invalid legislation and we could not support it, regardless of our views on same-sex marriage. As a result, we did not support it, and that was unanimously voted on by the High Court.

The federal Labor Party refused to take any action on same-sex marriage for six years. They had a prime minister who said, "I do not support same-sex marriage," and it did not happen. We now have a federal Liberal leader. Whether you support same-sex marriage or not, you have to acknowledge that he has been a long-term advocate for same-sex marriage. He has progressed the matter by saying it will be put to a plebiscite. All of a sudden, and now in opposition, the Labor Party are saying, "That's not good enough." I think those who are supporters of same-sex marriage would look at it and they would cry, "Hypocrisy." They would say, "Rank hypocrisy."

I acknowledge that the Greens have been somewhat consistent in their view. I acknowledge that they have at least had a consistent view, unlike the Labor Party, who have been all over the shop. I am a bit disappointed that I had to re-litigate the history. I was not going to let it stand as a point-scoring exercise.

Let me end by saying very clearly that I respect all views on this matter. This is now a federal matter. It will go to a plebiscite. Personally, I very openly support same-sex marriage. I will vote yes in the plebiscite. My members are able to vote, as is the case for everybody in the community, how they will.

Let us go forward and have this debate in a respectful manner, and in a manner which recognises the great diversity of opinion in our community. Regardless of the viewpoint you hold—regardless of the result, indeed, Madam Assistant Speaker—let us embrace that diversity of opinion and let us respect each other's views.

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) (3.53): I thank my colleague Ms Porter for bringing forward this matter of public importance for discussion this

afternoon. Yes, there is a lot of history to this debate. There is, regrettably for Mr Hanson, more history than he cited, and I will turn to that in a moment.

The first point I make this afternoon is that this is a matter of importance to our community. When we saw the marriage equality laws adopted by this place a few short years ago, the response from our community was overwhelming, and it was overwhelmingly positive. Let us remember how much that moment galvanised support and momentum for the cause of marriage equality federally.

The passage of that act meant that, for the first time ever in the history of the commonwealth, people of the same sex could marry, and they did. And they did knowing that there was the prospect or the risk that the legality of that marriage ceremony could be put under question.

Mr Hanson talked about how we should have waited for the High Court decision before proceeding with the application of our same-sex marriage laws. But I am yet to meet a single same-sex couple in this city that share that view. I have spoken with many of the couples who chose to be married under ACT law. I have asked them, "Do you think it was wrong of us to commence the application of the act ahead of the High Court decision, even though there was the risk that it would be struck down?" Not a single one of them has ever said to me, "I think that was a mistake. I think you should have waited." All of them said, "I am glad you gave us the opportunity." Even though the High Court subsequently resolved the constitutional question, they were glad to be given the opportunity, because this place and this community recognised that their relationship was equal under law and should attain the same rights, privileges and responsibilities as other relationships.

I remember going to some of those same-sex marriage ceremonies. What I was struck by most importantly from those ceremonies was the ordinariness of this moment. There was nothing dangerous, radical or revolutionary about it. Here were two people declaring their love for each other and having it recognised through a legally binding ceremony—nothing more, nothing less. The sun still rose in the morning. Everyone else's relationships carried on as they were. But they were happy. Surely, that is a good thing for parliaments to do.

It is the case that we have seen two points of disputation in relation to this matter. The first has been the question of legality of the ACT law. That was ultimately resolved by the High Court. It was not resolved in our favour. However, it is important to remember that at the time it was a live and open question as to whether or not states or territories could legislate in the manner that the ACT chose to do. It was a live and open question. By enacting that legislation, by seeing it challenged in the High Court, we achieved nationally a level of clarity around where responsibility was vested and who needed to take a decision to achieve equality for same-sex couples.

Members will note that since the High Court decision, there has been no attempt by any other state or territory parliament, despite the assertions of some who have said that they still could. Instead the debate is firmly focused now on where accountability ultimately lies, and that is in the federal parliament. That is a good thing, and it is a consequence of the passage of the ACT law that we are in that position.

The other point to be made is that the history of recognition of same-sex relationships goes back much further than the passage of the same-sex marriage act here in the ACT a few short years ago. It goes right back to the recognition of same-sex relationships in the same-sex partnerships legislation that this place sought to legislate for on a number of occasions.

Let us remember the great history of the Liberal Party when it comes to the disallowance, the undemocratic disallowance, of those laws. The federal Attorney-General at the time, Philip Ruddock, the man who is now going to be our international human rights champion, rang me up, as his territory counterpart, and said, "The cabinet has decided to recommend to the Governor-General that your law be disallowed," and it was. It was overturned.

The Liberal Party do not have clean fingers on this, and neither do my federal colleagues in the Labor Party. They have equally at times been slow to recognise the importance of this issue to so many people in our city and elsewhere. I recall the conversations that I and the Chief Minister, Andrew Barr, and Katy Gallagher and Jon Stanhope all had with our federal counterparts about whether or not we were even allowed to have a ceremony to recognise the relationship between two people of the same sex. But we ultimately got there. We got there because we were persistent and we got there because we reiterated time and again the importance of equal recognition under law of people who were in a same-sex relationship.

Those opposite opposed those laws as well. They opposed the partnerships reforms. They opposed reforms that allowed same-sex couples to adopt children. They opposed all sorts of other removals from the statute book that were discriminatory against same-sex people. So that is their legacy and that is their record, and it dates back much further than Mr Hanson would let us believe.

That is the history of this debate. There has only been one government in this place that has consistently and persistently endured on the question of the recognition of same-sex relationships. It goes right back to 2003-04, with the reforms enacted by the then Chief Minister, Jon Stanhope, that removed over 100 discriminatory provisions in the ACT statute book against same-sex couples, many of which were opposed by those opposite, some of whom are still members of this place.

This is a matter of public importance. We must endure on this question. And the question of a plebiscite is yet another redoubt from the opponents of equality and recognition of same-sex relationships. Let us remember there are those in the Liberal Party federally who say they do not care what the result of the plebiscite is; they are still not voting for same-sex marriage. So what is the point of having it?

Even the freedom commissioner—remember the now self-declared candidate for the seat of Goldstein in the federal parliament?—has said that the plebiscite is a cop-out, that the responsibility for enacting same-sex marriage laws rests with the federal parliament and that the federal parliament should get on with the debate and vote on the question. And they should get on with that debate and that vote. The plebiscite is a ruse. The plebiscite is simply a last-ditch gasp by the conservatives in the party

opposite, who have no interest in equality and who have no interest in equal recognition under the law. This is a reform we should continue to talk about in this place until that equality in our community is achieved.

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) (4.03): I am very happy to rise again to speak on this matter of public importance as it is important to so many people in the Canberra community. Every time I have risen in this place to speak on the importance of marriage equality, I have asked my young friends Chris and Dylan to lend me their words. I met Chris and Dylan nearly a year ago at a marriage equality rally. I know that as young people they joined the movement for equality at a time when LGBTIQ people were told to settle for civil unions.

I am proud to know so many people who had the strength to refuse to accept that they as people were worth less than full equality. They are the reason that this Assembly came to resolve in favour of marriage equality, and it is always a privilege to have the opportunity to put one of the personal stories that make up this movement on the public record.

When I asked Chris and Dylan to contribute to my 2013 speech on the Marriage Equality Bill they spoke with hope about love and family. They said:

> We are Chris and Dylan. We are a family. Our love binds us together. And we look forward to the day when we are treated like any other family. Today is the next step on that path to equality.

In 2014 they spoke with disappointment. They said:

> Twelve months changes a lot. We've both grown as people. We've grown as a couple, even more in love and committed to each other. Australia has grown as a country too. But we still don't have the equality that the vast majority of us believe in. That must change.

When I asked them today, they spoke with real frustration. They said:

> Why can't we get this done already? It's clear that all Australians want all loving couples to be treated with respect and value, not subject to divisive campaigns of vitriol.

In light of calls today for the suspension of the anti-discrimination act throughout the plebiscite campaign for marriage equality, I could not agree with them more.

We spoke in this place just last week about the devastating impact of youth suicide, and I cannot overstate my disappointment that young people whom we know are at risk will be subject to a public campaign that will attack both their fundamental rights and their identity as members of our community.

Like many Canberrans, I share Chris and Dylan's disappointment and their anger. I cannot believe it has taken this long for federal legislators to recognise the common

dignity of LGBTIQ Australians. In the ACT we have shown that we are ready to take this step as a parliament and as a community. I am proud of what we pushed for, and I will keep working with all of the amazing supporters and advocates in our community until, in Chris and Dylan's words, "We get this done already."

MR RATTENBURY (Molonglo) (4.06): On 22 October 2013 this Assembly passed the Marriage Equality Bill, and I think that was a very proud day for this territory. It was a day of great joy; it was a day of great happiness. There was a sense of respect that flowed from that vote. As members who were here will recall, we had a very full public gallery. We had a further crowd sitting out in the reception room. They were obviously supporters of the bill, but the sense of pride that came from people who were in that room was really a very special moment. It is not often in this place where you can truly feel that direct feedback from people about legislation that we have passed in this place. Most legislation goes through fairly ordinarily in this place, but on that day we were witness to some true joy and relief that that legislation had been passed. Shortly after we saw the ceremonies begin to take place. Again they were occasions of great happiness and it was a moment in which we had genuine equality in this territory.

It has been a long road to equality for LGBTIQ Australians, and there are still many battles to be fought. It was 20 years ago when former Greens leader Bob Brown became the first openly gay member of the parliament of Australia. Not long after that Christine Milne led reform in Tasmania by decriminalising homosexuality. The fact that those are points of note tells you how far we have had to come and some of the challenges that still remain. But what I can say is that the Greens have always stood up for marriage equality and we have supported the right of people, no matter their gender identification or the nature of their relationship, to choose marriage if they wish. Every Green MP has voted for marriage equality every time it has come before a parliament. We are proud of that record, and it is a record we intend to continue to stand by.

The ACT has been the only jurisdiction to achieve marriage equality. Others have tried but have not been able to get the support of the majority in their parliaments. Clearly the High Court formed a ruling on this. I noted Mr Hanson's attempt to rewrite history during his remarks earlier today. It is quite clear that at the time the ACT legislation was passed there was a contested legal opinion; there were people of high legal standing, people respected for their opinions, who strongly argued that the ACT did have the authority and the power to take the decision and pass the legislation the way we did. Clearly the High Court disagreed. We know there were lawyers before the event arguing both ways. For Mr Hanson to come in here and paint it like it was always going to be the case is a distortion of history to suit his own agenda. The reality is there were people who thought that the ACT could do it, and that is why this Assembly—at least the majority of this Assembly—had the courage to proceed with that piece of legislation.

Since that time we have seen many countries around the world achieve marriage equality. That has been a great thing. Our near neighbours New Zealand, of course, went down that pathway as well, and that has given great encouragement to the campaign here in Australia, because it is only a matter of time until we have marriage

equality in this country. The public opinion polling shows clear community support for a change in the law, and I think that that points to the fact that the Australian community is ahead of many parliamentarians in this country in acknowledging that to allow people in gender diverse relationships to be married takes nothing away from others; it does not undermine anybody else's marriage. We have heard some that have said they think it does, but I just do not think that is the case. The fact that two other people can get married does not diminish someone else's relationship, and to put that view is lacking in generosity. I think it is a very narrow view to take. Simply letting somebody else celebrate their love surely cannot diminish the love of another couple.

The federal government's plan for a plebiscite in my view is completely unnecessary in light of the community sentiment. I think it is the role of the federal parliament to take a decision on this. We know the Australian public is ready for equality. The High Court has made it clear that the federal parliament is the one that must take responsibility for this, and so it is time for those members to do their job. I do not believe we need a plebiscite. It is on federal parliamentarians to take up their role in a representative democracy where members are elected to come into parliaments and take a view on behalf of the community. How they gauge what that view should be is a matter for individual parliamentarians, but to go to this pathway is a stalling tactic. It is an attempt to obfuscate, and I think it is a poor decision. This is a matter we should get on with as soon as possible so that we can actually draw this debate to a close and allow for true equality in our community.

I, like others who have spoken today, am concerned by the fact that the opponents of marriage equality are seeking exemptions to anti-discrimination laws during the upcoming plebiscite campaign, if it does proceed. It is a concern that they feel they cannot make their case without denigrating others. I call on them to think and reflect on how they might speak about others in the community.

The Australian Christian Lobby has put this case. Having gone to a school where religion was taught, nothing I was taught about Christian values said that it was okay to denigrate others in the way that is being suggested with this request. It is in nobody's interests to go down this path. I do not think it does anything for our community. If this plebiscite goes ahead and there is a debate, people are entitled, of course, to put their view, but I think one can do it without needing to unpick anti-discrimination laws to be able to make your case.

I do, however, believe that the Prime Minister should show leadership and allow his party a free vote on the floor of the federal parliament. I think all federal parties should allow that. If people look within themselves we would find that most federal parliamentarians would fall in favour of allowing marriage equality in this country. It is well overdue. It is time that we did have that status in Australia—just as many neighbouring and like-minded countries do—where people are able to access the right to marry the person they love regardless of their gender. I look forward to that day arriving in Australia. I believe it is only a matter of time, but I think it should happen sooner rather than later.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (4.13): I want to thank Ms Porter for bringing this matter of public

importance forward this afternoon. The legislation of marriage equality is something that is of high importance for the ACT community, and today I would like to raise concerns I have regarding the way this debate is unfolding at the federal level, which, of course, impacts upon the ACT as a community as well. I am against Tony Abbott's plebiscite, and the majority of Australians are too. It is a ridiculous $158 million exercise which is going to provide a platform for hurtful statements and assertions to be perpetrated nationwide with frequency to the detriment of some of the most vulnerable people in our society.

A 2009 study by Suicide Prevention Australia concluded that same-sex-attracted people in this country are around 14 times more likely to have attempted suicide than other Australians. This is a travesty that exists due to the ingrained and systemic homophobia and stigma which were part of our society for so long and which many people continue to perpetuate.

Madam Assistant Speaker, my uncle was a gay man. He was segregated from his friends and family in those early days of my youth. I had no understanding at all why my family could not support him. I did not know that he was gay at the time; it was much later that I found out. He passed away and I was unable to attend his funeral, not knowing where he was. It was a very sad part of my early life.

As one gay young man expressed to me:

> That feeling of having to come out over and over again, and hoping the next person doesn't react badly, is incredibly stressful. It's hard. Seeing the statements about how you are sick, or need curing, or wouldn't make a good parent, they hurt. Going to school for 12 years and hearing demeaning, homophobic terms, and knowing inside that they mean YOU, it degrades your mental health.

The plebiscite gives a particularly loud megaphone to this sort of language. It will allow people expressing these views to have an even greater impact on young LGBTI people. Just today, as we have heard, it has become apparent that the Australian Christian Lobby is seeking the federal government to override anti-discrimination laws for the duration of campaigning on the issue to allow them to say pretty much whatever they like. It clearly shows the sort of language lobby groups such as the Australian Christian Lobby want to use throughout this campaign. There is no need for this expensive plebiscite. It was always a stalling tactic constructed by Tony Abbott and his mates.

Marriage equality is the sort of reform which not only has a practical legal application in regard to the rights of LGBTI couples but also has a social impact. Legalising marriage equality shows the LGBTI people of any nation that their society accepts them. It shows that their sexuality or gender identity are accepted by society as a whole and removes some of the punch from individuals who might choose to express their outdated and offensive views.

This Assembly cares about young people in the territory, and that is why we have asked that the inquiry be undertaken within the Assembly into youth suicide. The plebiscite works against the mental health outcomes of the LGBTI community and, in particular, the young people of the community who are less likely to be equipped to

deal with the often hateful rhetoric which will come from it. The federal government needs to get its act together and simply pass the important legislation and maybe consider investing $158 million into a project that will help, not hinder, the mental wellbeing of the LGBTI community.

Discussion concluded.

Workers Compensation Amendment Bill 2015

Debate resumed.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (4.18): Pursuant to standing order 182A(c), I seek leave to move together amendments to this clause that are in response to comments made by the scrutiny committee.

Leave granted.

MR GENTLEMAN: I move amendments Nos 1 to 4 circulated in my name together and table a supplementary explanatory statement to the government amendments *[see schedule 2 at page 455]*.

Amendments agreed to.

Clause 4, as amended, agreed to.

Clause 5.

MR SMYTH (Brindabella) (4.19): I will be opposing the clause.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (4.18): Pursuant to standing order 182A(b) and 178A, I seek leave to move an amendment to this clause that is minor and technical in nature and was not circulated in advance.

Leave granted.

MR GENTLEMAN: I move amendment No 1 circulated in my name and table supplementary explanatory statement No 2 *[see schedule 3 at page 455]*.

These amendments have been moved. They reflect the debate in the chamber earlier on. I want to thank Mr Smyth for his assistance during this process. It gives us the opportunity to express the obligation upon inspectors to show their identity cards to employers and business operators in positive terms. The government is committed to ensuring that the workers compensation scheme provides the best support for injured workers and operates as efficiently as possible.

MR SMYTH (Brindabella) (4.19): We are opposing this clause because we do not believe that the case has been made to make the changes to the existing act. If members had a copy of the existing act in front of them, they would see that, in some cases, for an inspection to occur people need to have a warrant or a court order. I think it is a bit over the top when, in attempting to get information about workers compensation matters, we give inspectors the power to go into any premises at any time of the day, 24/7. What sort of country are we getting to? What sort of city do we become?

I refer to section 191(2) of the existing act:

> An inspector may enter any premises, and may exercise the powers of an inspector under subsection (3), if the entry is made, and the powers are exercised—
>
> (a) under a warrant issued under section 193;
>
> (b) with the consent of the occupier …; or
>
> (c) under an order of a court.

I am not sure what prompts the government to think they have to do this. They cite that it is national alignment, harmonisation. You can put that case forward, but that does not mean we have to do it. When we were talking about clause (3) of 192A as proposed in the amendments which he has now amended—and I thank him for that—Mr Gentleman said that this was a lift from other people's bills. It turns out that it was not; it was somewhat of a paraphrase. It is that sort of action that gives me great concern about what we are doing here today.

What reason would you need to enter premises after hours, for instance, when nobody is there, without giving any warning, rather than having lawful entry during the day or having a warrant or getting a court order? What is the difficulty in making a case to undertake this activity? I think the argument of harmonisation does not hold here.

These issues in dealing with workers compensation will often be long and protracted, will take a great deal of time. It is not like on a dangerous site, whether it be a quarry, a building site or a factory, where there might be a concern for the immediate safety of the occupants. That is not the case when we are dealing with workers compensation. There has been no case made. We are giving extraordinary powers to inspectors. Thank God that is being limited to government inspectors, who, one would hope, are reasonably trained and appointed appropriately, unlike the appointment of inspectors under the health and safety act. The problem here is that we simply do not have a compelling case from the government to make these amendments today. We will be voting against them.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (4.24): I thank Mr Smyth for his comments, but I want to advise the Assembly that there are many operations that work across the territory and that work completely out of hours and, therefore, during what we would see as normal business hours would not be open. There are many operations across the territory that work within normal business hours and also out of hours. It is important to have the opportunity for those inspectors to go in and have a look at those records whilst the operation of the business is in process. I would not expect at all that inspectors would want to go into a business whilst it was closed or non-operational. They would be liaising, of course, with the business on those operations. I do ask that members support the amendment and clause 5 when it is amended.

Amendment agreed to.

Question put:

> That clause 5, as amended, be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Clause 5, as amended, agreed to.

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

Bill, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Mr Brad Inglis

MR SMYTH (Brindabella) (4.29): I would like to draw members' attention to the young fellow sitting the gallery; I would like to introduce you all to Brad Inglis. I would like to rise today to formally acknowledge Canberra local Brad Inglis, who was recently picked up by the Boston Red Sox to join their minor league program. At only 18 years old, that is a pretty significant achievement. Congratulations.

Brad started playing for Tuggeranong Vikings Baseball Club when he was 10 years old. He then played with the Kambah Eagles for two years, and since leaving the Eagles has been playing with the Weston Creek Indians, for the last five or six years.

There is a strong sports pedigree in his family. His father, Jim Inglis, was a promising AFL football player and coach. His mother was well known locally for her pitching ability in softball.

Madam Deputy Speaker, please allow me to take a few moments to outline Brad's career to this stage. He was selected to represent Australia versus New Zealand in the 2015 season, and this year represented Australia against the Canadians. Brad has played in the national play-offs twice, and has thrown more strikeouts of any player there. In 2015 he threw 22 strikeouts, and he threw 24 this year. The closest person to that was at only 18 strikeouts. He has been selected twice to train at the Australian academy for baseball, and was selected to tour the United States with the world boys team—the world boys team, members—in 2013; he toured through San Francisco and other parts of California and played against teams from Mexico as well as Korea.

Brad has built himself a reputation in Australia as "the strikeout pitcher". Perhaps we should call him the strikeout king. As an 18-year-old, he has already had a 138 to 141 kilometre per hour pitching speed range, well on par with, and in some cases above, average Major League Baseball standards.

It was obvious why Boston liked his ability. It was that ability to throw a fast and strong curve ball with good spin and his skill on a change-up. It is therefore not a surprise that, apart from the Boston Red Sox, Brad also had offers from the New York Yankees, the Cincinnati Reds and the Detroit Tigers.

Brad will leave Australia to go to summer training in March and will be stationed at Fort Myers in Florida, where he will play some 56 games and perfect his throwing technique. He has expressed his ultimate career aspiration as making it in the major league and wearing the green and gold to represent Australia in the 2020 Olympic Games.

As fellow Canberrans, it is only fitting that we all should give Brad a fitting send-off next month and cheer him on his journeyman career to make it in the big leagues. It is also worth noting that Babe Ruth had his initial start with the Red Sox. Best of luck, mate. Good luck, and bring home a title.

Church of Jesus Christ of Latter-day Saints

MRS DUNNE (Ginninderra) (4.33): On the cusp of the new year this year, several hundred young adults from the Church of Jesus Christ of Latter-day Saints used world-class facilities at the AIS for their annual convention. A similar convention happened at Monash University in Melbourne, with more than 700 attending that venue. These annual conventions draw young adults together from around the country to grow spiritually and learn life skills from experts, both religious and secular. This was the first time that one of these seminars has been held in our nation's capital.

Wishing to stay on the theme of being in the capital, the Canberra young adults who organised this event wished to provide the out-of-town young adults with a genuine Canberra experience. This included visits to Questacon, Parliament House, the War Memorial and, of course, a chance to meet a politician. An intern in my office who was involved with organising the convention invited me to present a lecture on voting according to values. My aim was to inspire these young adults to take an active hand in political issues and to voice their desires and beliefs on how this country should be governed.

It is easy to think that many young people might be more inclined to vote on the left of politics. It is easy to think that conservative young people comprise the silent minority. But, Madam Deputy Speaker, I am here to tell you that that might not be true. I saw hundreds of conservative young adults who were taking the first steps towards being more vocal and more active in politics. These young adults had recognised that the world was increasingly moving away from the values that they hold at their core and that they hold close, and that the time to stand up for what they believe has arrived.

I was able to encourage them to ask their representatives the tough questions—what their beliefs were and what they valued. I also encouraged them to pray for their political leaders and representatives, irrespective of their political party, that they would be guided to make the right decisions for their constituencies and our country.

After my lecture I opened the forum up to Q&A. After answering a particularly inspired young adult on how to become Prime Minister, I was able to use my own life experiences and stories to show these leaders of Australia's future how to stand up for their values in places where those values may not be popular. We discussed how to ask questions directly of politicians and to get more than non-answers, how to find groups of like-minded people and how to get involved in the political landscape personally.

Since then, I have heard that several of those young people have made overtures to their elected representatives. This is a positive and encouraging step. From my viewpoint, it was good to be able to share and form a bond with a group of impressive young adults whose values are in many ways similar to my own. Madam Deputy Speaker, regardless of their political leanings, regardless of whether they hold conservative values or liberal ones, I encourage all members of this place to engage with young adults in our community.

The young adults I met at the annual convention of members of the Church of Jesus Christ of Latter-day Saints were impressive young people. They inspired me with a renewed hope for the future of our society. My hope for them is that they continue to hold fast to the things that they value and that are important to them and that they apply those values to their lives and the lives of those around them.

Although these young people follow a different faith from mine and from many of us in the community, there is a fundamental commonality across faiths. I saw that commonality in action at the convention, and I am grateful to have had an opportunity to have contributed.

Lunar new year
National Multicultural Festival

MRS JONES (Molonglo) (4.36): On Sunday, 7 February I was honoured to be one of the VIP guests at the Sakyamuni Buddhist Centre celebration of the lunar new year for the Year of the Monkey. The Sakyamuni Buddhist Centre in Lyneham was the first, and is the largest, Buddhist temple in Canberra. It was first established in 1983. The temple hosts many community services, including monastic training and education. These Buddhists are generous people, often providing charitable and relief activities and counselling for individuals and families. They offer chaplaincy services, meditation groups and activities particularly tailored for youths, women and the elderly. On Sunday evenings the most venerable abbot hosts a weekly meditation. This meditation includes loving kindness practice, walking, and sitting in the insight meditation tradition of Mahasi Sayadaw.

The lunar new year event is the most crowded gathering among the centre's calendar year events. It is a whole night long celebration with hundreds of attendees, special guest messages, new year gifts and the very special dance and fire cracker ceremony. This was a very special celebration of the lunar new year and the Year of the Monkey. I was lucky enough to speak to the large crowd. I took the opportunity to talk about the babies who will be born in the Year of the Monkey, and how we wish them well, as well as the importance of being able to freely express one's religious beliefs and views. Our strong multicultural society is built on freedom of religion and speech.

This year the Sakyamuni Buddhist Centre is also celebrating the 32nd year of the Van Hanh Monastery establishment and the 28th anniversary of the Sakyamuni Buddhist Centre in Canberra, among other significant milestones. I thank the most venerable abbot and the entire Sakyamuni Buddhist community for inviting me to their celebration of the lunar new year. I thoroughly enjoyed celebrating the new Year of the Monkey, and I am very appreciative of the warm reception received.

On this last weekend Canberra hosted the Multicultural Festival, the festival started by the then Chief Minister, Kate Carnell, many years ago when the Canberra Liberals were in government, which has since been continued under this Labor-Greens government. The huge benefit of having many different faiths, cultures and ethnicities in Canberra was on display this weekend. I visited all of the stalls, and I was impressed with the sense of pride in each community's belief and culture, as well as their pride to be Canberran and Australian.

This freedom to be true to one's beliefs and cultures, whilst also being true to one's fellow Australians, is what makes our city and our country great, and what makes events like the Multicultural Festival such a success. Freedom of belief, freedom of religion and freedom of speech must always prevail. Without it, our city and our nation would not be truly multicultural.

On the Saturday of the Multicultural Festival I spent much time visiting stalls and speaking with members of the community. I was honoured to be invited on stage with the Tongan Language School for a cultural dance performance. I was also invited to

make a short speech and spoke again about the importance of having a harmonious and peaceful multicultural society and, again, about the importance of freedom of expression. After my speech and being involved in the dance, I continued to visit stall operators to thank them for their contribution to both the Multicultural Festival and to our community as a whole.

On the Sunday of the Multicultural Festival I was a special guest of the Federation of Chinese Associations of the ACT and was lucky enough to see a number of performances put on by the many different Chinese associations in celebrating the new Year of the Monkey and the celebration of the Multicultural Festival. After watching these wonderful performances, including the traditional lion dance, I was able to make a short speech. It was a really hot and busy day, but I am pleased to have been able to speak to such a large audience. Again I spoke about the importance of having freedom of belief and freedom of expression. I also wished everyone a happy Chinese new year and wished that all the babies who are born in the Year of the Monkey be very clever and not too mischievous.

Among others, I was joined by my daughter Nicolina and my colleagues Mr Alistair Coe MLA and Senator Zed Seselja on stage for a celebration of the Chinese new year. How great it was for my daughter to be able to be a part of shooting the confetti into the crowd. I congratulate the Canberra Sikh Association for being awarded the most decorated stall and the Integrated Women's Network for being awarded the most informative stall. These groups contributed greatly to our festival.

I also thank those who participated in the Multicultural Festival, including the Ahmadiyya Muslim Association and FINACT for their wonderful contributions. I thank the Tongan Language School for inviting me on stage with them, and Sam and Chin Wong for having me at their wonderful Chinese new year celebration. Congratulations to Ms Berry for overseeing the event.

Lifeline book fair

MR COE (4.41): I rise this afternoon to speak about the biggest book fair in the country—Canberra's Lifeline book fair. I had the pleasure of going to the book fair last Friday afternoon and made sure I came away with a number of things from the treasure trove of over 250,000 items. On offer last weekend were books, CDs, DVDs, vinyls, comics, games, puzzles, magazines and much, much more. Over 650 volunteers work in the warehouse and on the telephones to help ensure that this event is a considerable success. Last weekend's event was, indeed, a success raising over half a million dollars for the crisis service.

Figures released by Lifeline show that it costs Lifeline Canberra $26 to answer a call for help. As the average spend at the book fair was $31, Lifeline has made the very valid point that every book fair patron has helped to save a life whilst enjoying their time searching for books amongst the quarter of a million on offer.

Lifeline Canberra is amongst the most respected community organisations in the ACT. For 45 years Lifeline Canberra has provided telephone crisis support via telephone number 13 11 14 to the people of Canberra and the surrounding region. This service is

possible due to the dedication of over 250 trained volunteers from the ACT and region who fill shifts as part of a national network to ensure the phone will be answered 24 hours a day, seven days a week.

Lifeline Canberra is part of an Australia-wide network of Lifeline centres. It takes calls from people who are in need of support at times of crisis. The crisis may be large or small, immediate or ongoing. Whatever the situation, Lifeline telephone crisis supporters provide impartial, non-judgmental and confidential support.

In addition to the telephone crisis support service, Lifeline Canberra provides a number of other mental health awareness programs to our community. Such vital services could not be provided without the money raised by the fundraising events such as the book fair. The next book fair will be held from 24 to 26 June on Canberra's south side at the Vikings club in Erindale. I encourage Canberrans to attend, particularly those who could not get to last weekend's event. However, if you cannot get to the June book fair, then I suggest you visit Lifeline Canberra's website to check out the online catalogue or make a donation. More information about Lifeline can be found at lifeline.org.au.

Question resolved in the affirmative.

The Assembly adjourned at 4.45pm.

Schedules of amendments

Schedule 1

Justice Legislation Amendment Bill 2015

Amendments moved by the Minister for Justice and Consumer Affairs

1
Clause 8
Proposed new section 21 (3) and example and note
Page 4, line 14—

omit proposed new section 21 (3) and example and note, substitute

(3) Any birth certificate issued by the registrar-general for the person must—

(a) if the register is altered under subsection (2) (a) (i) (A)—show the person's name as changed on the front side of the certificate; or

(b) if the change of name is noted in the register under subsection (2) (a) (i) (B)—note the person's name as changed on the reverse side of the certificate.

2
Clause 26
Proposed new section 5 (2)
Page 13, line 6—

omit proposed new section 5 (2), substitute

(2) For subsection (1) (f) to (i), the word 'mother' or 'father' may be used to describe either or both of the parents of the child.

3
Clause 48
Proposed new section 11 (3) to (6)
Page 21, line 8—

omit proposed new section 11 (3) to (6), substitute

(3) If the ovum used in the procedure was produced by another person other than the person's domestic partner at the time of the procedure, the person who produced the ovum is conclusively presumed not to be a parent of any child born as a result of the pregnancy.

(4) If semen used in the procedure was produced by another person other than the person's domestic partner at the time of the procedure, the person who produced the semen is conclusively presumed not to be a parent of any child born as a result of the pregnancy.

(5) If the person undergoes the procedure with the consent of the person's domestic partner at the time of the procedure, the domestic partner is conclusively presumed to be a parent of any child born as a result of the pregnancy.

(6) For subsection (5), a person is presumed to consent to the carrying out of a procedure in relation to the person's domestic partner, but the presumption is rebuttable.

Schedule 2

Workers Compensation Amendment Bill 2015

Amendments moved by the Minister for Workplace Safety and Industrial Relations

1
Clause 4
Proposed new section 103E (1) (b) (i)
Page 4, line 19—

omit

satisfactorily

2
Clause 4
Proposed new section 103E (5)
Page 5, line 10—

insert

(5) It is a defence to a prosecution for an offence against this section, for a failure to comply with a requirement under subsection (1) (a), if the defendant proves that the defendant believed on reasonable grounds that the defendant provided the facilities and assistance that were reasonably necessary to enable a return-to-work coordinator to exercise the coordinator's functions.

3
Clause 4
Proposed new section 103F (2) (e)
Page 5, line 20—

before

telephone

insert

workplace

4
Clause 4
Proposed new section 103F (2) (f)
Page 5, line 21—

before

email

insert

workplace

Schedule 3

Workers Compensation Amendment Bill 2015

Amendment moved by the Minister for Workplace Safety and Industrial Relations

1
Clause 5
Proposed new section 192A (3)
Page 7, line 24—

omit proposed new section 192A (3), substitute

(3) An inspector who enters premises in accordance with this section must, if asked by the occupier of the premises or the employer who is on the premises, show the identity card issued to the inspector under section 189.

(3A) If the inspector does not show the identity card to the occupier or employer when asked, the inspector must leave the premises immediately.
