Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

5 APRIL 2016

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Tuesday, 5 April 2016

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

Petition

*The following petition was lodged for presentation, by **Dr Bourke**, from 78 residents*:

Coat of arms

> **To: The Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> The following residents of the ACT draw to the attention of the Assembly that the symbols in the Coat of Arms of Canberra, including two St Edward's Crowns, the motto "For the Queen, the Law and People", do not represent the contemporary values and ideals of many in the ACT population, and instead imply the loyalty of all ACT residents to the British Monarchy. The ACT voted strongly in favour of a republic in the 1999 Republic Referendum. In addition the ACT is the only major jurisdiction in the Commonwealth that does not have a Coat of Arms of its own, using the Coat of Arms of Canberra to represent the entire ACT. An opportunity exists to design an ACT Coat of Arms that uses local symbols, such as the Royal Bluebell and the Gang-Gang Cockatoo.
>
> Your petitioners, therefore, request the Assembly to replace the Coat of Arms of Canberra with a more representative Coat of Arms of the ACT. This new design should ideally involve the public through a public competition, with the winning design chosen by an impartial panel, subject to the final approval of the ACT Assembly.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

Justice and Community Safety—Standing Committee
Scrutiny report 43

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

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 43, dated 30 March 2016, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny Report 43 contains the committee's comments on six bills, seven pieces of subordinate legislation and six government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Planning, Environment and Territory and Municipal Services—Standing Committee
Report 12

MS BURCH (Brindabella) (10.02): I present the following report:

> Planning, Environment and Territory and Municipal Services—Standing Committee—Report 12—*Report on Annual and Financial Reports 2014-2015,* dated 23 March 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Just very briefly, this is the 12th report of the Committee on Planning, Environment and Territory and Municipal Services in relation to annual and financial reports. I want to thank the various ministers and officials who participated. There were six public hearings and a number of witnesses appeared before the committee. Sixty-five questions were taken on notice. I also want to thank the committee members. The committee membership changed over the course of the hearings. The report is there for the Assembly's interest.

Question resolved in the affirmative.

Education, Training and Youth Affairs—Standing Committee
Statement by Chair

MR HINDER (Ginninderra): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Education, Training and Youth Affairs relating to statutory appointments in accordance with continuing resolution 5A.

Continuing resolution 5A was agreed to by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in consideration of statutory appointments. The resolution requires relevant standing committees which consider statutory appointments to report on a six-monthly basis, and present a schedule listing appointments considered during the applicable period.

The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee response was provided. In this period the committee has advised ministers that it had no comment to make on the appointments proposed.

For the applicable reporting period—1 January 2015 to 31 December 2015—the committee considered a total of 25 appointments or reappointments to six statutory agencies. In accordance with continuing resolution 5A, on behalf of the Standing Committee on Education, Training and Youth Affairs I table the following paper:

> Schedule of Statutory Appointments—8th Assembly—Period 1 January to 31 December 2015.

The committee notes that it had no specific comment to make on any proposed appointments during this period, and notes all correspondence and associated materials provided to the committee complied with the terms of the continuing resolution in providing full details relevant to proposed appointments, including appropriate CV, remuneration, details of legislative requirements and terms of appointments.

Standing and temporary orders—suspension

Motion (by **Mr Rattenbury**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing orders be suspended as would prevent order of the day No. 1, Assembly business—Proposed rejection of Variation No. 334 to the Territory Plan—Red Hill Housing Precinct, being called on and debated forthwith.

Planning and Development Act 2007—variation No 334 to the territory plan

Motion to reject

Debate resumed from 10 March 2016, on motion by **Mr Coe**:

> That this Assembly, in accordance with subsection 80(2) of the *Planning and Development Act 2007*, rejects Variation No. 334 to the Territory Plan—ACT Public Housing Redevelopments—Red Hill section 25 block 1, section 26 block 1, section 29 blocks 26 to 34, section 31 blocks 1 to 15 and block 49 and section 32 blocks 51 to 55 Red Hill Housing Precinct.

MR RATTENBURY (Molonglo) (10.06): Some weeks ago I moved to adjourn debate on Mr Coe's disallowance motion in relation to the variation to the territory plan No 334 on the ACT public housing redevelopments in Red Hill. I did this because I had been approached by some residents of Red Hill who were concerned about elements of the proposal and their potential impacts on the character of the suburb with the redevelopment of public housing near the Red Hill shops. I have to say that I have also received constituent feedback from others in the Red Hill community that are very keen for redevelopment to proceed, and so it has been a very interesting public discussion. Certainly, planning in established areas always triggers a range of opinions right across the spectrum.

In light of the issues that have been raised I have met with some of the Red Hill residents, including the chair of the Red Hill Residents Group, and I have walked

around the site with them. Following the adjournment I also requested that a meeting be held between resident representatives and officials from the planning directorate to clarify some technical details. This meeting was held on March 17, and a number of technical issues were discussed in some detail. I subsequently met with the Red Hill resident representatives to follow up that discussion and reflect on what clarification had been made and where there were still points of disagreement.

I have listened to those concerns very carefully and I have taken them up with Minister Gentleman. I am pleased that significant progress has been made in making adjustments to the variation to the territory plan. Of course, prior to the current phase in the Assembly after the initial public consultation, most notably, there had already been a reduction in the maximum height of some of the buildings on the site from six storeys in the original proposal to four storeys in the territory plan variation that was tabled by Minister Gentleman. We know the height of the buildings was perhaps the most significant concern in the community, and I think that early change from Minister Gentleman reflected the community concerns.

I note that there are already quite a few three-storey buildings on the site, and I believe an additional storey in parts of the site will not be too much of a dramatic change, particularly given the size of the site and some subsequent points that I will come to. That goes to the fact that, in discussions with Minister Gentleman, I suggested that the desired character statement be strengthened to reflect not only some character statements that were in the original documentation that went out to consultation but also some additional points that had come through in discussions I had had with the community. I will come back to those technical clarifications shortly, including issues around basements and overshadowing.

If we reflect on what is currently at the site, I think it is fair to say that many of the buildings are in poor condition, and the Greens support the renewal of the ACT's public housing stock. Much of it is expensive to maintain, it is inefficient in terms of energy use and, therefore, it is expensive to heat and cool for the tenants. I believe our public housing tenants should be offered better quality accommodation than is available in some of the sites across the city where, through age, perhaps original design, perhaps through inadequate maintenance over the years and certainly through the options for improved design, we can do a better job for our public housing tenants.

The ACT Greens, of course, have consistently advocated for a long-term vision for our city, an environmentally sustainable vision that maps out the future of our city that is livable, well connected and prepared for the future challenges of climate change, population growth and energy security. The Greens support urban infill developments rather than continuously expanding this city on the edges, but we want to ensure that that urban infill is of high quality, with well-designed, energy-efficient buildings and well-landscaped public open spaces and streetscapes.

The proposed redevelopment of the public housing at Red Hill provides one such opportunity, I believe. It provides a unique opportunity, being a large site that is close to shops, schools and other facilities. I believe an increased number of residents in the area will help the viability of the local shops, which the Greens see as a vital part of the hub of our community.

Local shops are critically important. People like to walk to them. They are essential for people who have limited mobility or who perhaps cannot drive anymore but can conveniently access the local shops in their suburbs. We have seen across the city examples where local shops have done very well and others that have really deteriorated quite badly. Certainly one of the elements has been the provision of a local population base to support those shops. But I think the entrepreneurial character of business owners has also been a critical factor.

We believe it is important that people have shops that they can walk and cycle to in their local area, both for a healthy lifestyle and as part of contributing to a healthier community. Indeed the development may provide opportunities for Red Hill empty-nesters to age in place, allowing them to downsize while staying in their own community close to the shops, public transport and other facilities. This will also free up the larger traditional family homes for younger families, including those who may have grown up in the area and wish to continue to be part of their community.

It must be noted that this is a territory plan variation, not a specific development proposal or development application, so it is not possible to comment on the details of any future development at this point. Once a development application is lodged, it will follow the ACTPLA public consultation process, and residents will have the opportunity for public comments again. I will also be reviewing any proposed development to ensure there is a high quality urban design that seeks to meet the expectations both set out in the desired character statements, which will be added, and matching the discussions that people have had and the aspirations that many in the community have for the redevelopment of this site.

I will be supporting the government's variation to the territory plan No 334 as I believe a rezoning to RZ5 will allow the flexibility for an innovative development that can provide a diversity of housing types. However, based on feedback from resident representatives, I believe we can provide more clarity and assurance that the character of the development will meet the expectations that residents have for the area and address concerns that have been raised by the community.

What is most interesting for me in this discussion is that one thing that everybody does seem to agree on is that the site is prime for redevelopment. The debate, I believe, has been about what should be the character of the development on that site—issues around height, what it is going to look like ultimately and whether it will fit in to the existing suburb.

To that end, in discussions with Minister Gentleman, I have agreed that Minister Gentleman will bring forward a technical amendment which will be released in late April to confirm the desired character of the development. This will provide a framework for potential developers, the community and those undertaking planning assessments. For example, provision is being made to allow some flexibility in building height to take advantage of the topography of the site to accommodate basement parking.

In order to address residents' concerns that this might effectively lead to an additional storey above the four storeys that has been set in the territory plan variation, in discussions with Minister Gentleman, he has agreed to include as part of the desired character statements that buildings predominantly engage at street level, avoiding large expanses of blank walls or grilled car parks.

There are also desired character statements in relation to sustainability and a diversity of housing choices, including opportunities to age in place. The existing open space bounded by Cygnet Crescent and Lady Nelson Place will be retained and, in addition, there will be requirements for open space areas within the development. The taller four-storey elements of the development will also focus on the centre of the site and adjacent to the existing commercial zone.

I will now outline the desired character statements that will be included in the technical amendment. The arrangements of buildings and spaces should enhance the solar access to landscaped areas, communal areas, private open space and public spaces on and surrounding the site. Development fronting the public realm and the landscape areas should address and enhance the quality and usability of the spaces. Building facades should be of a high quality finish, detailing and visually articulated to avoid a continuous wall of development and excessive bulk and scale and provide visual interest and differentiation. Buildings should predominantly engage at street level and avoid large expanses of blank walls or grilled car parks.

The taller building elements should be focused on the centre of the site and adjacent to the existing commercial zone. There should be provision of a range and diversity of housing choices, including opportunities to age in place. Landscaped areas between the buildings should be of high quality that link the overall development together and contribute to the amenity of the area. There should be a clear hierarchy of public and private zones through the site, with safe and attractive pedestrian areas.

There should be a high level of sustainability with a large percentage of the units facing north, and construction to achieve high energy performance ratings. Development should frame and address Lady Nelson park, section 40 Red Hill, and the landscape areas through visually interesting facades and providing passive surveillance. Development should provide interest and activities to the public realm through articulated facades to public spaces, avoiding solid, featureless walls of development.

Madam Speaker, I believe that, overall, the variation along with the technical amendment result in a good outcome for the community that will see quality urban infill, help ensure the sustainability of the Red Hill shops and potentially lead to further revitalisation of that site.

I note this has been a challenging debate, and I thank the residents of Red Hill for their active engagement in this process. I urge them to continue to follow the development as it proceeds. I certainly have been impressed by the detail in which they have examined the proposal, even if we have not always seen eye to eye on elements of the discussion. I am sure they will continue to be active on this issue and,

when the development application comes forward, I—and I am sure the residents—will closely scrutinise it to make sure it meets the desired character that will be defined in the territory plan variation. Of course the planning directorate will assess that accordingly.

I will not be supporting Mr Coe's disallowance motion. As I said, I believe this site is appropriate for revitalisation. As I said, I think everybody in the community acknowledges that. The debate has been one of exactly what that character should be. I have received a range of community views—calls from people saying, "Let's get on with it. The site needs to be redeveloped. The sooner the better," through to those who have expressed very vocally their disquiet with some versions of the proposal that have come forward. I am sure there will be continued discussion about this but, as I say, I will not be supporting Mr Coe's disallowance motion today.

MR DOSZPOT (Molonglo) (10.18): Madam Speaker, the residents of Red Hill are starting to realise that having a Greens minister as their local member is not all they had hoped it might be. As the Red Hill Residents Group's own media release of 3 April says:

> Red Hill residents have been informed by Mr Shane Rattenbury, Greens MLA, that he will support the Barr government once again, in their push to put high-density housing in the middle of Red Hill.
>
> This is yet another great Rattenbury disappointment for residents of Red Hill and those in neighbouring suburbs affected by the traffic impacts of high-density housing wrongly targeted at small local centres like Red Hill.

The Canberra Liberals moved the disallowance motion during the last sittings because of the local residents' very real concerns for their area and what the government was proposing to do to it. We believe the residents have every reason to be concerned, and their objections to the various options on offer have great merit.

Let's be honest, the area in question is a valuable piece of real estate. It is a 5.3 hectare site in arguably one of Canberra's best suburbs. For decades the maximum height of the buildings on that site has been three storeys. So when the government announced changes to the area to allow, in effect, as many dwellings as they can fit on the site, five-plus-storey heights, four-storey buildings within three to six metres of fences of neighbouring dwellings and no inclusion of the usual 21.5 metre height limit, is it any wonder that the residents rallied to object? We all know the ACT Labor government are short of money, so why wouldn't they look enviously at maximising returns on such a valuable site?

Mr Rattenbury has offered his usual line of consulting with the community and listening to their concerns. The *Canberra Times* loyally reported how he had forced a compromise, persuading the government to beef up design guidelines. These include assurances that if basements are higher than one metre they will count as a storey, thus addressing one of the residents' concerns. Other compromises include character guidelines to enhance solar access, for buildings to predominantly engage at street level, and for a clear hierarchy of public and private zones.

Mr Rattenbury has also suggested there will be some further technical amendments agreed after today. If this is intended to allay the fears of residents, Mr Rattenbury, it has failed. As the residents group media release also said:

> Again, Mr Rattenbury is being used by Labor. We know that any technical amendment won't cover the ground already addressed by Red Hill residents, who have simply been ignored once again. If there is no additional formal consultation on the proposed Technical Amendment, then it will be a waste of time.
>
> Residents have many requirements for development on the site. It would be more effective for Mr Rattenbury to support the Rejection Motion, and start the process again completely from scratch. Instead, Mr Rattenbury's influence or lack thereof on the Barr government's desire to pander to the needs of developers, rather than the needs of residents, will be on display for the whole of the new Kurrajong electorate to see. The ACT community need to know that the Greens and Mr Rattenbury are simply pandering to the Barr government once again.

The Canberra Liberals have been very clear on what we believe is the best use for this land. My colleague Mr Coe made the Liberals' case very clear in the Assembly on 10 March. We have not just met with the residents of Red Hill; we have listened to the residents of Red Hill. We have listened to them. We have engaged with them to better understand how good planning, development and local community can live in harmony.

We believe the RZ3 zoning we proposed meets all of the government's development needs as well as addressing the local residents' concerns. As has been pointed out, Madam Speaker, the residents are not anti-development, and neither are the Liberals; we simply want to make sure that the needs and the concerns of the residents are fully taken into account.

It is disappointing but not surprising, therefore, that the government have taken the action they have. By "government", I of course include Mr Rattenbury. He cannot continue to run with the hares and hunt with the hounds. His own constituents are working that out. He has failed them in Manuka, and now he has failed them in Red Hill.

To paraphrase Melissa Bennett from the Red Hill Residents Group on ABC Radio yesterday, we have an election in October. If Mr Rattenbury does not want to listen to his constituents now or thinks he knows better than they, he will be forced to listen to them in October. The glossy brochure circulated to local Red Hill residents in the past few days patronisingly claiming that their feedback has been valuable will be to no avail.

I place on record my appreciation and recognition of the commitment of residents in the area: to Melissa Bennett, Stuart Rogers and others I say thank you for being so willing to give up your time to fight for your suburb. We can assure you that the Canberra Liberals will be with you in your fight to ensure your suburb remains just that—a suburb, not a high-rise, high-density mass of buildings.

Consultation needs two elements to be successful: one is the presentation of the facts or plans, and the second is the preparedness to listen to counterviews and feedback from the community. This government and this Greens minister have failed miserably in this regard time and time again over the past four years. This Red Hill issue is the latest example of their continued failure.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (10.24): I thank Mr Rattenbury for bringing this motion back for discussion today. The primary purpose of territory plan variation No 334 is to rezone a number of blocks in the Red Hill housing precinct to facilitate redevelopment of ageing public housing stock and enable a new, diverse housing supply to be developed in an established suburb, well served by facilities and services.

The Red Hill housing precinct is over 50 years old and was constructed in response to the requirements of public servants in the 1960s. As we become an increasingly modern world, public housing tenants in 2016 have very different requirements from those of the tenants that this development was originally built for. In order to address these changing needs, the ACT government has embarked on an extensive public housing renewal program. To date, the program has included replacement sites in suburbs such as Monash, Chisholm, Coombs, Holt and Amaroo.

The ACT government's public housing renewal program is intended to improve outcomes for tenants through the delivery of more sustainable public housing that better meets the needs of tenants now and into the future. The multi-unit properties of the Red Hill housing precinct, Stuart flats in Griffith, Gowrie Court in Narrabundah and Strathgordon Court in Lyons are all part of this public housing renewal program.

The government embarked on an extensive, 18-month-long consultation program in July 2014 in relation to the proposed changes for the Red Hill housing precinct. During this time the proponent, the public housing renewal task force, undertook a range of pre-consultation activities. This consultation included public meetings, presentations to community groups, drop-in information sessions and a design workshop with the community to refine the proposal on which the territory plan variation is based. This consultation was in addition to the statutory consultation process surrounding the planning changes themselves.

During the statutory consultation process the draft variation received 97 submissions from 93 individuals and four community organisations. The submissions, on the whole, supported redevelopment of the site. Some of the submissions raised issues such as traffic, height, density and zoning. The government has listened to the community and has taken measures to address the concerns raised by the community.

The Environment and Planning Directorate addressed concerns raised in the submissions by reducing the height of the six-storey elements proposed in the original draft variation plan to a more conservative four storeys. This change will reduce the number of dwellings permitted on the site, and further decrease the impact of traffic in the area.

To help explain the changes made to variation 334 following the public consultation period, a flyer was prepared and sent to Red Hill residents. This flyer explains the reasons for the zoning changes and clarifies the provisions regarding building height limits, required green spaces and increased commercial options. The flyer also outlines the additional traffic studies that were undertaken.

Madam Speaker, I would now like to set the record straight on what variation 334 will and will not do. The variation will not result in large-scale changes to the suburb of Red Hill. This change will permit the redevelopment and urban intensification of a 6.6 hectare site. To provide further context, this site is only 1.5 per cent of the total area of Red Hill. The site is centrally located approximately five kilometres from the employment hubs of Parliament House, Barton and the Canberra Hospital. It is across the road from the Red Hill shops and close to Manuka, Griffith shops and Fyshwick.

The perception that the RZ5 zoning will allow unrestricted building heights and dwellings in excess of what the suburb is capable of supporting is unfounded. The strict controls in the precinct code, as well as the relevant provisions in the multi-unit housing development code, specify height limits of only two to four storeys. The site will contain over 4,000 square metres of landscaped areas, in addition to the popular open space of Lady Nelson park located at the centre of the site. Under the proposed development the park will be kept in its entirety. In addition, provisions contained within the territory plan in relation to setbacks also apply to the Red Hill housing precinct.

In order to minimise any potential impact of building heights on the established residential area, the new precinct code, which was created for this variation, contains measures to transition from higher buildings of four storeys to two and three storeys across the site. The precinct code allows building heights of two and three storeys around the perimeter of the site, reflecting current heights adjacent to existing residences. Taller elements of four storeys will be permitted along Discovery Street opposite the Red Hill shops and commercial properties to support and enliven the Red Hill local centre. I think this is a good outcome for the residents of Red Hill, and also for the future residents who will be able to call Red Hill home as a result of this important planning amendment.

In response to concerns raised during public consultation around traffic and parking issues, the government undertook a further traffic study of the site. This study reviewed the initial traffic analysis undertaken and found that the additional traffic volumes from the proposed development would not be expected to adversely affect the surrounding intersections and road network. Roads ACT have reviewed the traffic report and have advised that it will include both La Perouse Street and Cygnet Crescent as part of the upcoming residential street improvement program. Roads ACT will also investigate traffic management treatments to manage safety and amenity in priority areas. This work will occur once a development application is lodged and the final dwelling numbers for the site are known.

The rationale for increasing the number of people who live in this central location is strongly linked to the high level of employment in the area. In the 2011 ABS housing

and population survey there were approximately four jobs for every worker living in the inner south. This contrasts with 0.37 jobs for every resident worker in Tuggeranong, 0.36 jobs in Weston Creek, 0.48 jobs in Gungahlin and 0.57 jobs in Belconnen. These figures speak for themselves. As part of living in a sustainable, connected city, this government is committed to increasing the availability of housing for people near employment and along transport corridors. This variation will do just that. It will allow more Canberrans to live close to where they work, and reduce associated travel costs and environmental impacts associated with longer commutes.

It has been suggested that a more appropriate zoning would be RZ3. RZ3 would only permit two-storey dwellings and a lower plot ratio. It would reduce flexibility to provide a diverse range of housing options on this site. That is why RZ5 with strong precinct controls is a more effective planning outcome for this key location.

Urban renewal is a core priority of this government. Continued renewal of our city is vital to continue to grow Canberra's economy and strengthen our community. The redevelopment of urban areas such as the Red Hill housing precinct makes Canberra a more prosperous, compact, livable and sustainable city. It supports the need to increase our city's population density and makes for a more connected city with better places and spaces.

Notwithstanding all that variation 334 seeks to achieve in terms of urban renewal and better outcomes for public housing tenants, I acknowledge the concerns raised in a number of the 97 public submissions received. That is why the ACT government continues to engage the community on key planning changes.

Following the lodgement of the motion by Mr Coe to disallow this variation, and the adjournment of the debate, Environment and Planning Directorate representatives met with members of the Red Hill Residents Group and the Inner South Canberra Community Council to discuss their concerns. I understand that there was a good, open discussion that helped to clarify the provisions that were introduced with variation 334 and to reassure community representatives about the approval process that would be followed when development applications are submitted.

Further, in response to the concerns raised by the community representatives, and as agreed with Minister Rattenbury, a technical amendment to the territory plan will be prepared to provide further clarification regarding the building height controls in the Red Hill precinct code and to reinstate desired character statements that were proposed in the consultation version of the variation. These changes are consistent with the policy purpose of variation 334 and aim to make clear the intent of the precinct code provisions.

The technical amendment will be released for public consultation in late April and will be open for public comment for a four-week period. I would encourage those who have an interest in variation 334 to review this technical amendment and continue their engagement in the planning process.

I acknowledge that for some this variation does not address all concerns. As a government we need to continue to strike a balance between the Canberra of the past

and the Canberra of tomorrow. Canberra's future is a population of 500,000 by 2033. To accommodate that growth we need to think about a range of housing types, including higher density options where appropriate. I believe that this variation does strike a balance between protecting the residential amenity and character of the suburb of Red Hill and providing new housing choices close to shops, employment and community spaces.

I call on the Assembly to reject this disallowance motion and to pass this important variation in the Assembly today.

MR COE (Ginninderra) (10.36), in reply: The Canberra Liberals are extremely disappointed that those opposite, including Mr Rattenbury, are not backing the community that they allegedly represent. We are disappointed that, once again, the government and Mr Rattenbury have demonstrated the strength of their coalition and, in lock step, are in effect blocking out community concerns and blocking out the community's view on what is a very poor variation indeed. Variation 334 is bad planning, it is bad consultation and it is bad government.

Variation 334 is yet another example of this government playing games with the planning process and playing games with the community. Instead of being honest with the community, the government goes through a sham consultation, notionally pretends to wind it back slightly, and then expects to be thanked at the end. The opposition does not accept this and, as is clearly demonstrated, nor does the community.

Unfortunately, the government expect that the community will be kept happy by notionally winding back a couple of small elements of variation 334. However, I think we all understand that there is a fair chance that what we have actually got now is what the government intended all along. They do this gamesmanship all over town. We saw it at the Yarralumla brickworks, where they inflated the number of dwellings, then wound it back slightly and expected to be thanked. That is exactly what is on display here yet again.

Variation 334 is, and should be, of serious concern not just to the Red Hill community but to all communities in Canberra. They are saying that four, five or six-storey buildings can be put anywhere in Canberra. They will ram it through this place. They will use their tight coalition of nine to get anything, anywhere, whenever they want. They will simply steamroll the community in order to get the cash grab that they need.

This has nothing to do with planning; this is all about light rail and getting the sale revenue from this block. We all know that. Everybody in Canberra knows that. It has nothing to do with the planning process; it is all about a cash grab by a greedy government that has an obsession with a bad transport outcome.

The proposed height of buildings under this variation is extremely unclear. Although the variation includes a limit on the number of storeys, it does not include an absolute height limit in metres. That is, of course, the real concern. There are serious issues regarding the density, and this is not at all clear in the variation. How many dwellings will be included on this site? What will be the make-up of these dwellings? Whereabouts on the site will these dwellings actually be located?

We have all spoken at length about the dodgy consultation that has happened throughout this process. It is worth noting that in actual fact the Liberal government in the late 90s proposed to do a redevelopment at Red Hill. Regardless of the merits of that proposal, the Labor Party promised to stop it because it was inappropriate. What are we seeing today? The absolute opposite. The difference is that we are happy to see development there. We are happy to have a reasonable level of development, and we think RZ3 is the appropriate code, the appropriate zoning, for such development.

The difference is that we have Mr Rattenbury rubber stamping the Labor government's proposal. The only reason that variation 334 is getting up is because Mr Rattenbury is backing it. Why is it that Mr Barr, the only Labor incumbent who is going to be running in Kurrajong, is not speaking to this motion? Why isn't the future local member—the current local member for Labor—speaking to this motion? It is because he takes Shane Rattenbury's support for granted. He knows that no matter what happens, Mr Rattenbury is going to back him in. He knows he does not need to make a case. He knows he does not need to argue something on its merits. He knows that Mr Rattenbury is going to back him, rain, hail or shine. It shows the strength of the coalition and how tight Labor and the Greens are in the ACT.

If I might digress, those opposite, the Labor Party, would not even have a 13-seat strategy for this election. They would have an 11 or 12-seat strategy, and they are banking on the Greens to get them over the line. Quite frankly, given everything we have seen over the past four years, the past eight years or the past 15 years, perhaps that is a pretty reasonable assumption to make. We on this side of the chamber are determined to represent all of Canberra. We are determined to do all we can to ensure that we get good outcomes right across this city, including in Red Hill, and including stopping variation 334.

We heard when the Assembly sat last month that there was confusion over this whole issue; we then heard that, in actual fact, maybe 334 could be withdrawn, or maybe it could be amended. Unfortunately, none of that was true. There was no confusion; the variation could not be withdrawn and it could not be amended—the three things that Mr Rattenbury said. He was clutching at straws.

Now we have a proposal for a technical amendment to the territory plan, a technical variation. It will be very interesting to see whether that actually stands up, because if it is a substantial technical amendment, if it is, in effect, a substantial change to 334, it is not a technical amendment. So Mr Rattenbury has to propose a technical amendment which is minor in nature and therefore it will not address the concerns; or it does address the concerns and therefore it should not be a technical amendment; it should be a full variation.

If they are going to try to sneak through substantial changes to the territory plan through a technical amendment, that is a very dangerous precedent. It is either substantial and it is a proper variation or it is not substantial and Mr Rattenbury is letting people down yet again. The truth is that the only way to safeguard good planning outcomes in this city is to stop dodgy variations going ahead. That is why we firmly stand by the disallowance that we are discussing today. We firmly believe that variation 334 should be stopped.

Those opposite seem to use words like ageing in place, diversity of housing, solar access, active street fronts, urban intensification, compact, livable and sustainable for every single development under the sun. They seem to be catch-alls that they apply to every single development when they are arguing for it. The truth is that whenever they talk in generalities like this, they are not talking about the substance of the variation. They are not talking about the substance of the planning and built form outcome.

When you hear these jingles, what they are really doing is escaping discussion about the actual facts. If Mr Rattenbury really cares about the constituents he represents, if he really wants to show respect to the people that have put so many hours work into researching this issue, if he really wants to keep members of this place informed and hold ACTPLA to account, he would support them in their quest to have this variation disallowed. The best course of action would be to disallow 334 and to start again with reasonable and honourable intentions as opposed to the sham we see here today. In closing, I commend Mr Doszpot for his sterling work on this issue.

Question put:

> That the motion be agreed to.

A division being called and the bells being rung—

Mr Doszpot interjecting—

MADAM SPEAKER: Mr Doszpot, interjections during the calling of a division, even when the bells are ringing, are disorderly.

The Assembly voted—

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

Question so resolved in the negative.

School improvement
Ministerial statement

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (10.50): Today I rise to speak about school performance and accountability in ACT public schools. We all know the importance of education to each individual student and to the community at large. The Education Directorate's strategic plan 2014-17 states:

> The value of education to learners is beyond question; the value of education to the learner's community is beyond price.

This is a statement I believe in. As the Minister for Education I am pleased to be able to talk today about the new school performance and accountability framework that was launched on 1 April this year at the ACT education leadership summit, which will further drive excellence in our schools.

The leadership summit is held every two years and provides school leaders with both professional learning and networking opportunities. The intent and priority of the leadership summit is to build leadership capacity of current and future leaders in alignment with the directorate's strategic plan and action plan and the Australian professional standard for principals.

The school performance and accountability framework sits very well with the aims of the summit and was developed by reviewing local and world-leading practice, research, evidence and consultation. In 2015 the Education Directorate engaged Professor Brian Caldwell, an internationally recognised academic and researcher in school improvement, to review our current practice and documentation and to provide new directions for our approach to school improvement.

In our public education system we need to ensure that we have the right processes in place to achieve high standards and support ongoing improvement so that the community can have full confidence in the schools their children attend. Following his consultation, Professor Caldwell noted some of the special characteristics of the public school system in the ACT. He said:

> … it is the smallest and highest-performing system in Australia (as indicated in NAPLAN test results). It is also the most recently-formed system of education in the country. It covers a relatively small geographic area and relationships are strong—most principals and system leaders know each other. These are favourable conditions. These circumstances present an arguably ideal platform for further development to make it one of the very best systems of public education in the world.

Madam Speaker, I agree with Professor Caldwell. It is important to acknowledge that we have a strong track record as a high achieving school system. We have a strong college system with high levels of attainment in the senior secondary certificate and ATAR scores. In fact, the recent report from the Mitchell Institute *Educational opportunity in Australia 2015: who succeeds and who misses out* confirmed that the ACT has the highest proportion of students completing year 12 in the country.

Parent satisfaction in public schools in relation to the education our schools are providing has remained high across a number of years, and data from 2015 indicates that the ACT continues to perform well compared to other schools around the country, but there is more we can do to improve educational outcomes for all Canberra students. While I acknowledge that the ACT has a good report on education, we cannot and must not be complacent.

We need to make certain that we are increasing the number of high performing students, reducing the number of students who are not achieving, increasing the number of students who benefit from early childhood education and care, and increasing the qualification levels of the ACT community.

We also need to start showing that we are actually closing the gap when it comes to educational outcomes for Aboriginal and Torres Strait Islander students. The "school improvement-school performance and accountability framework" will provide us with a clear direction of how schools will be held accountable to parents and the community to ensure we are meeting the high expectations we have for every student.

The key elements of the new approach are as follows. There is a five-year cycle for external school reviews to align current time frames with non-government schools re-registration. This will mean that approximately 20 of our public schools will be reviewed each year. School reviews will be conducted by an external review panel comprising an accomplished principal and an external education expert.

Schools will develop a five-year strategic plan that includes their priorities, key improvement strategies and targets. This plan will be based on the outcome of their external review report and developed in consultation with their school board. Schools will develop an annual action plan, aligned to their strategic plan. Schools will evaluate their progress against the action plan annually and report to their community.

The director-general will send a letter of expectation at the beginning of each school year to each principal. The letter will outline outcomes expected to be achieved in alignment with directorate and government priorities. A differentiated approach to reviews will occur from 2016. The external school reviews will take into consideration the size and complexities of each school to ensure the panels have enough time to engage with parents, teachers and students during the review process.

I would like to talk specifically on a new approach that I am particularly pleased to see take shape. Special purpose reviews will also be introduced. This is a significant change to the current approach. These reviews can be initiated at any time by the director-general. It may be when schools have been successful in delivering great results for their students and community. The outcome of the review will allow for the sharing of best practice as schools can learn from each other. They may also occur when a school has encountered difficulties and requires further support or intervention.

A special purpose review may also be initiated when a new principal is appointed. This will provide the principal with a further insight into the school. I firmly believe that these special purpose reviews will allow the directorate and the school community to both arrest any concerning slides in quality before they become endemic and, just as importantly, help us capture and translate innovation and successes.

The national school improvement tool will also become a core component of the review process for both schools and the external review panel. This national tool, which was successfully trialled in a number of our schools in 2015, was developed by the Australian Council for Education Research and is available to all Australian schools for use in their school improvement planning.

Madam Speaker, I am very pleased to say that our public school leaders were enthusiastic in embracing this nationally agreed tool as it allowed them to capture not only the views of their staff but also those of their students and parents. Schools will

use this tool to self-evaluate. They will identify areas of strength and opportunities for improvement across nine interrelated domains. This, along with an evaluation of the progress against their current strategic plan, will inform the summative report they provide to the external panel when reviewed. To inform their findings, external review panels will also use information derived from the tool to obtain the views of staff, parents and students.

Our new approach to school improvement is strengthened by schools and panels using a range of data sources. This includes academic results; attendance; student, staff and parent satisfaction; and financial and workforce data. Access to this data will be further enhanced when a new school administration system is introduced.

The school community will have access to the school's external review report and strategic plan through the school's website. Public school principals will sign an annual assurance statement confirming their accountability with all legislative and policy requirements. This will further align both government and non-government school processes.

As Professor Caldwell reported, school improvement is everyone's business. This new approach will strengthen and clarify the roles and responsibilities of principals, school network leaders and school boards. The ACT remains committed to driving continuous improvement in school performance and accountability. I recognise the evolving nature of the operations and business of schooling and the high expectation the community has for excellence in its public schools.

I would like to take this opportunity to thank the Education Directorate and the previous minister for the work undertaken in this area to date, demonstrating a shared commitment to ongoing improvement. I look forward to seeing community confidence in the quality of public school education continue to grow as a result of this school performance and accountability framework, and I am confident we are well placed to meet the expectation of every student and every parent in our ACT public schools.

I present the following paper:

> School improvement—School Performance and Accountability in ACT Public Schools: Key Elements—Ministerial statement.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Australian early development census
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) (10.58):

As the Minister for Children and Young People, I thank you for the opportunity to speak to the Assembly today about the results of the 2015 Australian early development census.

The Australian early development census is a triennial nation-wide census funded by the commonwealth government that measures the development of children in their first year of school. The 2015 census is the third national collection since 2009.

The Australian early development census results provide communities with a snapshot of how children in their local area have developed by the time they start their first year of full-time school. The results can help communities understand what is working well and what needs to be improved or further developed in their communities to better support children and their families. The results are reported at the community, state, territory and national levels and assist communities and governments to plan and assess the effectiveness of their efforts to improve early childhood outcomes.

The ACT has a strong commitment to the census, as shown in our participation rates, with 100 per cent of government, independent and Catholic schools and 99.3 per cent of kindergarten children participating in 2015. I would like to take this opportunity to thank the three education sectors for their participation and commitment to this data collection which provides us with such important information to support early childhood development.

Madam Speaker, the Australian early development census collects information on the five key areas of early childhood development, referred to as domains. These five domains are physical health and wellbeing, social competence, emotional maturity, school-based language and cognitive skills and communication skills and general knowledge.

This information is collected by kindergarten teachers, using a secure online data entry system. Kindergarten teachers are first provided with training to support the ease of use and accuracy of the data collected. Teachers use their knowledge about the children in their class to complete the instrument. Each instrument takes approximately 20 minutes to complete.

Funding for reimbursement for relief staff costs per instrument completed as well as the training time required for teaching staff is provided by the Australian government. This financial support to allow teachers to be off class to complete the instruments, and training is very much appreciated.

The Australian early development census is a proven and reliable measure of children's development, and its validity has been well tested. It provides us with a snapshot of how children are developing in their first five years of life. It assists us by providing evidence to support policy and planning and helps us to build and strengthen our families and communities.

The 2015 results showed that 22.5 per cent of children in the ACT were developmentally vulnerable on one or more domains. This result is comparable to the 2015 national result of 22 per cent. Over the previous two collection periods in

2009 and 2012 the ACT percentage of children vulnerable on one or more domains has remained relatively stable, with the 2009 results showing 22.2 per cent of children in the ACT as developmentally vulnerable on one or more domains.

I am very pleased to report that compared to the national average, the ACT has a lower percentage of children developmentally vulnerable in each of the five domains except physical health and wellbeing. That pleasing result has remained consistent since the 2012 results.

Since the data started to be collected in 2009 ACT children are shown to be consistently less vulnerable when compared to their Australian peers in the communication and general knowledge, social competence and language and cognitive skills domains. Continuing the trend seen in previous collection years, the language and cognitive skills domain remains the strongest domain for our ACT children. This means most children are starting school with a strong foundation of basic literacy and numeracy skills.

We know that children in the ACT are most likely to be vulnerable on the physical health and wellbeing domain, which measures children's fine and gross motor skills; physical readiness for the school day, such as being dressed appropriately for school activities; and coming to school late, hungry or tired.

Of course, we are interested not just in how Canberra's children are faring in relation to their Australian peers, but also in how Canberra's children are faring over time. In 2015 we have seen some increases in the percentage of children developmentally vulnerable in three out of the five domains. We will be carefully watching this over the coming collection cycles to observe trends. The value of this data is, however, that it clearly shows us where to focus our collective efforts.

The Australian early development census also gives us information on how Aboriginal and Torres Strait Islander children are faring, both nationally and across the ACT. Whilst Aboriginal and Torres Strait Islander children are more likely to be developmentally vulnerable than their non-Aboriginal and Torres Strait Islander peers, the 2015 results show that in the ACT there has been a small decrease in this vulnerability since 2012.

This reduction in vulnerability is a trend I would like to see continued. In particular, I am pleased to report that there has been a statistically significant improvement for Aboriginal and Torres Strait Islander children in the emotional maturity domain since 2012. However, there has been a statistically significant increase in developmental vulnerability for Aboriginal and Torres Strait Islander children in the physical health and wellbeing domain and in the language and cognitive skills domain.

It is important to note that the small number of Aboriginal and Torres Strait Islander kindergarten children in the ACT—that is, 152 children in 2015—makes this data more prone to larger fluctuations between census years. However, it does show us that there is still a significant amount of work to do to close this gap in the ACT.

The 2015 ACT results show that the percentage of children from non-English speaking backgrounds developmentally vulnerable on one or more domains has remained relatively stable since the last collection—28.3 per cent in 2012, and 28.0 per cent in 2015. This plateau demonstrates there is room for improvement with this group of children and their families.

Madam Assistant Speaker, as you will be aware, there is a significant body of research that demonstrates the critical and sensitive period of the early years and their subsequent impact on brain development. It is well known that the impacts of the early childhood environment can have lifelong consequences for individuals. What the Australian early development census provides us with is a measure of the quality of these early life experiences, and visibility of the vulnerabilities that we need to address to ensure Canberra's children get the best start in life. It also provides us with a lens to consider what we are doing well and how we can continue to grow strong communities for our children and their families.

The Early Intervention and Prevention Services branch within the Community Services Directorate has responsibility for the census collection and the promotion and dissemination of the results. This branch promotes the Australian early development census through engagement activities with relevant early childhood development stakeholders, schools and communities to assist understanding of the data and enable local area responses that are targeted to local area need.

Some examples of this work are the regional forums that have been held in partnership with the Education Directorate to support schools to better understand and respond to their Australian early development census results, as well as linking schools with community providers that will assist families and their children in the early years.

In addition, significant work has been progressed through the transition to preschool seminars and the provision of the "On my first day" transition pack to preschool families across the ACT. The purpose of this collaboration was to provide support and information to ACT families on what they can do to positively support a smooth transition from preschool to kindergarten. This work was a collaborative effort between the Community Services Directorate, the Education Directorate, Libraries ACT and the Canberra Preschool Society.

As I have already noted, improved outcomes for children rely on providing supportive and nurturing environments within both families and community, particularly in the early years. The ACT government invests in a number of programs that aim to promote protective factors for children and their families to assist in better outcomes.

The ACT Education Directorate's Koori preschool program provides early childhood education to Aboriginal and Torres Strait Islander children aged three to five years. Children under the age of three are welcome to attend when accompanied by a parent or adult carer. The Koori preschool program provides opportunities for children to engage in a wonderfully rich play-based program which fosters a love of learning and promotes student wellbeing, positive transitions to school and the development of

early literacy and numeracy skills. Within each program there is a strong focus on culture and identity. The Koori preschool program has strong partnerships with external organisations such as Winnunga Nimmityjah Aboriginal Health Service and the child and family centres to ensure families and their children are provided with appropriate support.

The ACT government's expansion of the growing healthy families program in the last budget through an investment of $1.3 million over two years enabled further provision of this program to Aboriginal and Torres Strait Islander families. This expansion included the provision of the growing healthy families program at all three child and family centres across the ACT.

Specific outcomes of this program are the development of a preschool engagement initiative through the recruitment of two early years engagement officers, one for north Canberra and one for south Canberra; enhanced access for Aboriginal and Torres Strait Islander children and their parents to child and family centres, and partner programs and services, including case management, group programs, community activities and events, advocacy, counselling, and group and community development activities; providing support and services to address the community-identified needs of children, families and the local community; and providing engagement with Aboriginal communities through local governance and the development of a partnership approach to service delivery.

As I have already alluded to, another significant resource for children and their families is the child and family centres located at Tuggeranong, west Belconnen and Gungahlin. The child and family centres have taken a lead role within our communities to build cross-sector relationships for local area planning and provide interventions to reduce demand for our statutory services. The centres deliver interventions that vary in intensity and focus on the early years of child development in order to ensure all children have the best start in life. They positively influence the developmental pathways and life trajectory of children through building the capacity and resilience of families to support their children.

The ACT government continues to make a significant investment in maternal and child health services for the Canberra community. This service offers much-needed support and guidance to ACT families. For instance, the maternal and child health service provides first home visits for newborns, drop-in clinics, developmental checks, immunisation clinics, early days groups, new parents groups and sleep groups. Many of these services can be accessed at the child and family centres.

The ACT government's child development service commenced operation from January 2016 to support ACT families who have concerns about their child's development. This service offers assessment, referral and linkages for children nought to six years, and children up to eight years with complex needs who have not had a previous assessment by an allied health professional. It will also provide autism assessment for children aged to 12 years.

The Australian early development census results, together with the annual publication of *A picture of ACT's children and young people*, helps us to monitor our progress with respect to children and young people in the ACT. In addition, *The ACT Children*

and Young People's Commitment 2015-2025 sets a vision for a whole-of-government and whole-of-community approach to promote the rights of children and young people in the ACT. The commitment provides guidance to people in the Canberra community on how to assist children and young people to reach their potential, make a contribution and share the benefits of our community.

Madam Assistant Speaker, I thank you for this opportunity to address the Assembly and share with you the ACT results for the 2015 Australian early development census. An ACT-specific report detailing these results will be published later in the year to support further utilisation of the data by the many community and government organisations invested in ensuring the best start for all our children in the ACT.

I present a copy of the statement:

> 2015 Australian Early Development Census—Release—Ministerial statement, 5 April 2016.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Red Tape Reduction Legislation Amendment Bill 2016

Debate resumed from 10 March 2016, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (11.13): We will be supporting this bill in principle, but I do have reservations that I share with my colleagues about one particular group of provisions in this bill. The bill removes a range of regulatory requirements that are unnecessary administrative and compliance costs for business, the community and particularly for government. That said, any action the government can take to reduce red tape is welcomed by the Canberra Liberals. However, the devil is often in the detail, and this bill is a good example of substantial reforms hiding amongst a host of other changes.

This is an omnibus bill, and typically these sorts of bills reform legislative requirements that are not significant enough in their own right to justify stand-alone legislation. Most of this bill does, in fact, address less significant issues, none of which we have particular concerns with. These include revisions such as streamlining the liquor licensing renewal process, reducing the reporting burden on incorporated associations that are also charities, easing the administrative pressure on new agent licences with respect to submitting trust account details, enabling advertising of lotteries approved under the Lotteries Act 1964, removing conflicting provisions regarding licensing for security industry workers, modernising fair trading legislation by updating the definition of "accessory" for vehicle sales, enabling more streamlined digital services and removing requirements for complaints to government to be provided in writing and signed by the complainant. We will support these reforms.

However, amongst these revisions is a group that could have a significant effect beyond what could normally be considered appropriate for an omnibus bill—that is, schedule 1, which refers to the University of Canberra. We will be opposing those provisions in the detail stage of the debate, in essence, seeking to have them excluded from the legislation. I will talk to our concerns now but also in the detail stage.

In schedule 1 the government refers to the effect of supporting greater flexibility to the University of Canberra in undertaking significant development. This legislation follows previous legislation that we debated last year that, in essence, allows UC to make significant developments on its campus, both commercial and residential, that we have previously raised concerns with. We did not support the previous legislation, and I refer members to that debate. With what has been passed by this Assembly previously and with this current legislation on top, in the worst circumstances it is open season on the university campus. That is a serious change. These are very serious issues and certainly go beyond what would normally be in an omnibus bill.

I accept that it is a worst case scenario, but these legislative changes on the back of the ones made last year provide the University of Canberra with some really significant advantages that other businesses, other competitive developers and so on just do not enjoy. It is creating an unfair and unlevel playing field.

Technically, the explanatory statement notes that the bill amends the University of Canberra Act 1989 to remove a disincentive to third parties considering participating in the formation of a company for the establishment of a joint venture with the University of Canberra. It states that these amendments also lessen the University of Canberra's administrative burden.

Whilst the opposition might support arrangements that simply reduce the administrative burden, this clearly goes beyond that. We would not lessen something if this means significant lessening of oversight on this significant territory institution. The upshot is, as I said previously, that this potentially gives the UC an unfair commercial advantage over other commercial operators, and the UC is essentially turning into a commercial operator. That is not what red tape reduction is about.

This bill is not creating a level playing field. UC is a singular entity. It is certainly not a small business; we are talking about an institution that is unique in its relationship to Canberra and with the government, and it has a portfolio and budget in the tens of millions of dollars. This is a shift in the way that UC is operating and one I think we need to be cautious about. We need to very cautious, before reducing oversight.

The government's explanation is that the bill:

> … contains modifications to the Financial Management Act 1996 (FMA) in its application to the University of Canberra to simplify the undertaking, by UC, of a range of activities.

I am concerned that the lessening of this administrative burden, as it is so called, actually provides the University of Canberra with a more favourable approval and

compliance environment than any other operator. Under the guise of reducing red tape it has the potential to distort development and affect other opportunities external to the campus.

We are aware there are some concerns with UC. I note the previous Auditor-General's report in terms of commercial activity. We have raised concerns about the development that has taken place there, and I am aware of a whole series of developments occurring at UC at the moment, Indeed there are some joint ventures that, as I understand it, are currently in part before the courts, so I will not discuss those in any great detail.

We have to avoid systems which are designed to create a level playing field being changed to become protectionist. We do not want a city where we have one rule for a certain set of players and other rules for the rest with enclaves developing; essentially a city within a city with different rules that favour the University of Canberra as compared to others. That is something that schedule 1 risks doing.

As a result, we on this side of the chamber believe the case has not been made that that aspect of this bill is not about red tape reduction; it is about providing a potentially competitive advantage to one organisation over others. That said, we will not be supporting schedule 1 in the detail stage. With regard to the other elements of the bill, we are supportive and, therefore, we will support the bill in principle.

MR RATTENBURY (Molonglo) (11.21): I welcome the opportunity to speak to this bill. The Greens support the removal of unnecessary regulatory burden for business, the community and government. The Red Tape Reduction Legislation Amendment Bill 2016 is part of a regular series of bills designed to address regulatory requirements that add unnecessary administrative and compliance costs. While each of the legislative requirements on their own may not be significant enough to justify stand-alone legislation, together they do add up.

The development of the bill has been supported by stakeholder engagement through a consultative body—the regulatory reform panel—as well as consultation individually with directorates, agencies and other relevant stakeholders in the ACT community.

As members will know, the bill seeks to amend a number of acts and regulations, including: the University of Canberra Act, the Financial Management Act, the Gaming Machine Act, Security Industry Act, the Liquor Act, the Charitable Collections Act, the Agents Act, the Public Unleased Land Act, the Aboriginal and Torres Strait Islander Elected Body Act, and the Fair Trading (Motor Vehicle Repair Industry) Act. I would like to focus on specific points that amend various parts of that legislation.

With regard to the University of Canberra, the bill amends the University of Canberra Act to remove disincentives for third parties to form a company or joint venture with the University of Canberra. The amendments also lessen the university's administrative burden due to overly prescriptive provisions in the memorandum or articles of association of UC-controlled companies and in the submission of reports, returns and statements to the Treasurer.

The bill contains modifications to the Financial Management Act 1996 in its application to the university that simplify the undertaking of a range of activities. Under the modified provisions, UC will only have to apply for Treasury's approval of its joint venture and company-related activities where they are significant in nature. These new processes will enable appropriate financial oversight to government without hindering UC's operations. The proposed amendments address UC's concerns about unnecessary regulatory burden without unacceptably changing the risks for the ACT government in its oversight and responsibility for the financial governance of the University of Canberra.

Turning to signed complaints, the bill includes amendments to various legislative requirements regarding complaints to be submitted in writing and signed by the complainant. Removing this requirement will facilitate public access to government by enabling complaints to be made electronically, thereby providing a simpler and more convenient complaints process. In this day and age where people expect to be able to make submissions to government and to deal with all sorts of administrative processes online, this is a very obvious and necessary change.

In terms of statutory declarations, the bill includes amendments to remove the need for a statutory declaration in certain circumstances. The requirement for authorised witnesses means that statutory declarations can be incompatible with the development of online processing, again underlining the point that I was just making. Amendments will streamline the application process and allow applications to be completed and processed in digital format. This will enable the transition to online application processing, helping to make Canberra a modern digital city.

With regard to agents trust accounts, the bill includes amendments to the Agents Act 2003 to reduce administrative pressure on licensed real estate, business, and stock and station agents when establishing a trust account. Licensees have been required to submit details within two business days of becoming licensed, which presents a significant administrative pressure. The amendments will require the time frame to be seven business days. The seven-day window will not compromise consumer protection.

Regarding charitable collections, the bill amends the Charitable Collections Act to reduce the reporting burden on incorporated associations that also hold charitable collection licences by aligning timing for reporting. The differences in reporting times under this act present an administrative burden on a number of incorporated associations in the ACT. They are required to produce two sets of financial reports. Aligning the reporting will remove the need to create these two sets of reports at varying times. Clearly, particularly for charities, the less administrative burden they have the better, so that they can focus on the good works they are seeking to do in the community. This is a good example of where a simple adjustment to legislation, which will largely go unnoticed in the community, will make a very significant impact for those that are covered by the change in the legislation.

The bill amends the Gaming Machine Act 2004 to allow approved lotteries to be advertised on licensed premises, both internally and externally, provided the signage

of the lottery does not refer to gaming machines. This minor amendment addresses an anomaly with the Lotteries Act 1964 in relation to advertising. That anomaly between the Lotteries Act and the Gaming Machine Act has created some confusion in the community.

The bill amends the Sale of Motor Vehicles Act to modernise the definition of "accessory" to include a number of fittings in addition to a car radio, sound-reproducing equipment or an air-conditioning unit fitted to the vehicle. Again this reflects the changing nature of what is in a vehicle. The bill also makes provision for the high voltage battery of electric-powered vehicles and hybrid vehicles to be considered an integral part of the vehicle and therefore not an accessory for the purposes of the warranty but, rather, a part of the main vehicle. That recognises the fact obviously those batteries are integral to that vehicle. Again this reflects a changing of circumstances in the external world which need to be reflected in the legislation.

The bill amends the Security Industry Act to remove the requirement for a security employee applicant to be employed by a master licence holder in order to become eligible to receive a security licence. This amendment therefore eliminates a circular requirement where an individual cannot be employed by a master security licence holder unless they already hold a security licence and simultaneously cannot obtain a security licence unless they are already employed by a master security licence holder. The amendment addresses this issue, providing a simpler application process for those wishing to enter into the security industry in the territory.

The bill amends the Liquor Act 2010 so that a renewal application for a liquor licence can be lodged at any point before the current licence expires. Prior to this amendment, the Liquor Act required an application for renewal of a licence to be lodged at least 30 days before the licence expires. This mandatory deadline was overly prescriptive given that the existing legislation also already provides for a licence to remain in force until a decision is made on the renewal application. This imposes an administrative burden on both the applicant and the regulator that would be unnecessary if the 30-day deadline for renewal applications were removed.

Finally, the bill addresses other consequential amendments and technical corrections. I am happy to support this bill as I think it will help foster a regulatory environment that helps business and the community and will contribute to the efficiency and economic prosperity of the ACT.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (11.29), in reply: I thank Mr Rattenbury for his support of the legislation. I am very pleased to talk further on the benefits that will arise for our community from the passage of this Red Tape Reduction Legislation Amendment Bill. As I said before, cutting unnecessary red tape for ACT businesses and citizens is at the foundation of our government's ongoing strategy to create a competitive, open and sensible economic environment.

Sensible, minimal regulation is an essential step to support growth and diversification in our city's economy. Appropriate regulatory and economic settings help achieve results for Canberra's small businesses and consumers, complementing business opportunities that will arise from the start of direct international flights, the introduction of ride-sharing transport options, an even stronger higher education sector for the city, and the creation of a one-stop-shop approvals process through Access Canberra. Through this bill the government is making life easier for local businesses by amending or removing a series of regulations that accumulate to aggravate and add unnecessary costs and delays.

The red tape reduction bills that I have been bringing forward as minister are not developed in isolation from the business community. They are a direct response to approaches to us from business, from the community and from our own staff, who have identified issues within the regulatory framework of government. Our Regulatory Reform Panel is also the source of ideas for possible reforms.

Once concerns and new ideas are raised with government, we test them with stakeholders and peak bodies to ensure that any changes will reduce the burden on stakeholders without creating other negative consequences. For instance, we sought the advice of the Motor Trades Association on the status of high-voltage batteries in the Sale of Motor Vehicles Act, which is included in this bill. We also sought to see if we could expand the original concept to leverage additional opportunities—for example, the change to requirements for statutory declarations.

Each year we commit to present a red tape reduction omnibus bill to the Assembly. There will always be new ideas and approaches suggested on how we best ensure valued outcomes for business and the community are achieved in how we regulate. In this bill, and those that we will present in the future, we will strive to review and amend regulation so that it remains relevant, efficient and effective. This bill amends significant pieces of legislation, as I outlined in my presentation speech. These amendments will appreciably lower the administrative burden for businesses, other organisations and Canberra residents.

I turn now to the University of Canberra, an area of some interest and opposition, I see, from the party that is quickly establishing itself as the anti-university party in this city. This bill is another step in our strategy to allow the University of Canberra to grow in both size and in reputation. And we do this by making it simpler for the university to undertake commercial projects and to meet its financial reporting obligations.

Firstly, these amendments will ease the burden of establishing corporations or joint ventures in which the University of Canberra has a controlling interest. Secondly, they remove certain duplicative or unnecessary reporting requirements with respect to these corporations and joint ventures, such as providing reports to the government that have already been provided to the Australian Securities and Investments Commission.

It is important to note, Madam Speaker, that the treasurer of the day retains the ability to request information that is significant or where the provision of such information

protects the interests of the territory. Additionally, the University of Canberra will only have to apply to the government for approval of its joint venture and company-related activities where these are significant in nature. The amendments will provide for automatic approval to such significant events, unless notified otherwise within 30 days. This promotes certainty for the University of Canberra.

As the University of Canberra is moving up the international research and development rankings, it is increasingly undertaking a wider range of projects with external partners that may, of course, vary in size, cost and complexity. The government need not review and approve each and every one of them. With the potential for greater simplicity around the planning process for projects, the university will therefore be able to move more quickly to work with potential development partners on these projects. Just as in the case of financial reporting, the government retains the ability to review projects that are significant and therefore, by extension, protect the interests of the territory.

As I noted in my presentation speech on the bill, the University of Canberra will continue to work closely with the government on their expansion plans in coming decades to ensure that they meet campus and community needs. The important point here, and the important distinction between the government and the opposition, is that this government recognises that to truly compete, the university needs to be on a level playing field with its national and international higher education competitors, whether that competition is for students, staff, or research and commercialisation funding.

What the Assembly must understand is that the University of Canberra cannot be restricted by outdated or overly prescriptive regulatory rules, designed for an infant institution in the 1980s, if we want to achieve its full potential on the international stage. The university's true competitors are institutions in this country like Macquarie, La Trobe or RMIT. I am confident that the University of Canberra can win in this competition for minds, and for funding, if this place is prepared to give it a level playing field.

That is why this reform is so important at this time, and why again the Leader of the Opposition is demonstrating his ignorance of the potential of the higher education sector. He is firmly establishing himself as an anti-education leader and his party as an anti-university party. That is very sad for Canberra's future, because I would have thought this would be one area where we might have a chance of bipartisan support. But that is not to be on this occasion. So be it. I will very clearly state that my government will support the growth of Canberra's higher education sector, and particularly Canberra's own university, the University of Canberra.

I turn now to other elements of the bill. The bill will reduce administrative pressure for new agents, such as stock and station, business or real estate agents. Once agents have established new trust accounts as part of their business, they will now have seven business days, instead of two, to report to the Commissioner for Fair Trading on the details of these accounts. With greater flexibility, new agents can better allocate their valuable time to building their businesses. Meanwhile, their account details are still supplied to the commissioner on a timely basis.

We also introduce two additional reforms that will ease the day-to-day burden for businesses and individuals and take advantage of our increasingly digital environment. This reform is just part of the government's plan for making Canberra a leading digital city, a city in which our digital capability is extensively used by businesses, individuals and other institutions.

Firstly, this bill removes from 50 pieces of legislation the requirement for signed and witnessed statutory declarations. They are replaced instead by the requirement for a statement that need not be signed. A central driver of this reform is that statements can be easily submitted electronically, thereby reducing the time and cost burden for thousands and thousands of people every year. The content of these statements will be every bit as important, because there will still be offences in place for making false statements or providing false information in these documents. The maximum penalty for such an offence is up to 100 penalty units, up to one year imprisonment, or both.

Secondly, the bill also removes the requirement from seven acts that complaints submitted to the government must be signed. This means that complaints, too, can be easily be submitted electronically. Quite simply, it will make it much easier for Canberrans to tell government what needs attention, and this can only help the government to fix things, and fix them faster. Much of this communication related to complaints is actioned through Access Canberra, our one-stop-shop regulator, which further supports our objective of making interactions with our government easier.

The bill responds to developments in the motor vehicle industry. This bill amends the Sale of Motor Vehicles Act 1977 so that high-voltage batteries in electric cars, including hybrid cars, will be considered as integral to the operation of the vehicle for the purpose of the warranties that are referred to in the act. These high-voltage batteries are essential to the propulsion of electric cars. They are also a significant cost component of these vehicles, particularly for the cost of used vehicles. As such, it is entirely appropriate that they fall within the warranty guidelines set forth in the act.

An amendment to the bill will also mean that renewals to liquor licences will no longer have to be applied for at least 30 days in advance. This will lower the burden of strict timing around the start of the renewal process, and licence holders' safety and service requirements remain unaffected.

Through this legislation it will also make it easier for charitable organisations to report on charitable collection activities. It will enable incorporated associations that hold charitable collections licences to align reporting of those collections with their regular reporting activity. Charitable collection licence holders often do not have the capacity and resources to be tied up in the red tape of separate filings of financial reports. Their focus instead, quite rightly, should be on delivering support for those in our community who need help the most.

The bill also fixes up groups of requirements that, taken together, do not make practical sense for businesses and for workers. Firstly, certain businesses that are operating exempt and non-exempt lotteries will now be able to advertise these lotteries on the interior and exterior of their premises and no longer just at a distance from their premises.

Secondly, the bill removes a confusing requirement that prospective security workers must already be employed by a master security licence holder before obtaining a security licence. There are more than 3,300 workers in the security industry and more men and women are joining this industry each and every day. This amendment will make it easier for them to join the industry.

Madam Speaker, the amendments that we are debating today will provide concrete and practical benefits to businesses, to individuals, to charitable organisations and to one of the growth engines and key employers in our city, the University of Canberra, by reducing the administrative burden on them, saving them time, saving them effort and saving them money. These reforms represent an ongoing and methodical process of identifying specific requirements which are unnecessarily burdensome, either simplifying them or eliminating them altogether.

The government will continue to foster a regulatory environment that helps businesses to establish themselves in the territory. Removing red tape will be an ongoing process for the territory to retain our competitive advantage over other jurisdictions and to help our businesses and our community flourish in the global economy. I commend this bill in its entirety to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Schedule 1.

MR HANSON (Molonglo—Leader of the Opposition) (11.44): I spoke to the substance of this during the in-principle stage.

MADAM SPEAKER: You need to indicate that you are opposing the schedule.

MR HANSON: I will be opposing the schedule, Madam Speaker. I will get to it. Often in question time ministers are allowed more than 10 seconds to get to their point. If you were here during my speech at the in-principle stage, Madam Speaker, as I was about to say, I outlined why the opposition will not be supporting this schedule. So I will not be repetitive.

I would like to rebut some of the comments that the Chief Minister made. It is becoming his style that if somebody disagrees then they are to be vilified, they are to be attacked, they are to be called ignorant, they are to be called anti-education, anti-university—whatever attack the Chief Minister can make. That is not the case. We are a very pro-education, pro-university party. I have a master's degree from the University of Canberra. I am very pro University of Canberra.

Mr Rattenbury: Congratulations.

MR HANSON: Thank you, Mr Rattenbury. I would like to point out that there are people on this side—all of us—who support the university and we support education. That is not the debate here. The Chief Minister is attempting to conflate the issues. One is to do with development and joint ventures that the university will take part in, and the laws that were passed last year which I referred to, which were about building a suburb at the University of Canberra and entering into a whole bunch of commercial arrangements. That is not about education, Mr Barr. It is about development, it is about joint ventures and it is about business, ultimately, for the University of Canberra. What we are discussing here will not have any impact on the educational outcomes at the University of Canberra.

I am very disappointed in the Chief Minister. As is becoming his form, rather than deal with the substance of the issue, and if somebody disagrees with him, his response is to vilify and attack. I note that this has become a bit of a pattern. In his speech last week on the state of the territory, that was the form: divide, attack and alienate. Indeed ACTCOSS made the public statement in response to that speech that they were not keen at all on the generation divide and conflict being spruiked by Andrew Barr in the state of the territory address. That public statement was then forwarded on by others, including being retweeted by the Youth Coalition. I have received numerous indications that that statement last week was an alienating speech, that it was deliberately divisive and that it attacked people rather than trying to bring people together.

My point is that if we are going to have a debate about substantive issues to do with a very important institution in this town, let us not just revert to high school bullying techniques that we see from Andrew Barr. Instead of having a substantive debate, he sends out little tweets to try to conflate it into something separate. That is what we are seeing here today. But I stick by the comments I made throughout my in-principle stage contribution. We will not be supporting this schedule. It is the wrong way to go. But that does not negate our support for education or for the University of Canberra, despite the rhetoric that we hear from the Chief Minister.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (11.48): What an extraordinary exercise in the pot calling the kettle black coming from the Leader of the Opposition. I will make one very important point. The Leader of the Opposition, who appears obsessed by development partnerships, completely misses the point as to what these regulations and changes will achieve. I point to a recent example. The University of Canberra has established a new start-up company to commercialise a new approach for the treatment of breast cancer. EpiAxis Therapeutics Pty Ltd will take to market innovative University of Canberra-led research aimed at the prevention of the spread of metastasis. This is an example—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson! You have spoken.

MR BARR: It does not require the ACT government to approve every single one of those sorts of commercialisation opportunities. That is what this schedule addresses. It gives the university a greater degree of autonomy, recognising that they are a grown-up institution with their own council and governance arrangements. They are growing their reputation nationally and internationally. Mr Hanson wants a situation where the ACT government has to approve each and every one of these sorts of commercialisation opportunities. His interests are so caught up in the development lobby that that is all he can see in terms of what the university can achieve. He is focused entirely on development on the campus, as in the built form. He has paid no attention whatsoever in his comments or in his analysis of this legislation and the changes we are proposing to all of the commercialisation opportunities and all of the non-built-form commercial partnerships that the university needs to be in the business of achieving.

This is the ideas boom that his own federal leader is talking about, and he is directly opposing it. He and his party are directly opposing a specific initiative that would support our city's university to commercialise its research. They would make it harder for them to do that. That is his position; he is so obsessed by reforms last year to allow the University of Canberra's physical campus to develop that he is prepared to throw away a range of other opportunities because of that minute obsession. That reflects his lack of depth of understanding of higher education issues and research and commercialisation opportunities that our city's universities need to be involved in.

This is our city's competitive advantage. This is the future for our economy. There are fantastic opportunities to bring new research and development to the market, for this city to show national and international leadership in tackling many of the challenges that this city, this country and this nation face.

What is the position of the Leader of the Opposition? He is opposed. He is opposed because he views it entirely through a built-form development prism. He is entitled to his views in relation to buildings on the University of Canberra campus. Fair enough; be opposed to that. I do not care. But do not stand in the way of our universities commercialising their research. Do not put red tape in their way. That is what the Leader of the Opposition proposes through his attempt today to block this sensible amendment to regulation that supports the growth of the University of Canberra, supports further research partnerships and supports the commercialisation of great ideas that come out of our higher education sector, and particularly our city's university.

The Leader of the Opposition is stuck in the past, while this government is prepared to make the changes that are necessary to support the growth of our city's higher education institutions. Outside government, our universities are the city's largest employers. One in nine Canberrans either works or studies at one of our city's higher education institutions. They are fundamental to our city's economic development. They are fundamental to building social and cultural capital in this city.

This is where we demonstrate national and international leadership, and this is where the Leader of the Opposition has manifestly failed that test today. And long may he continue to oppose the growth of the University of Canberra and to oppose the growth

of our city's higher education sector. That is one contrast I am delighted to have between the government I lead and the alternative Chief Minister. Keep on with your opposition, Mr Hanson; keep it up. You are doing yourself a great disservice. Your party is now firmly branded as the anti-university party, the anti-research and development and the anti-commercialisation party, the party of the past with no ideas for the future growth of the most important sector of the ACT's economy.

It is the most important non-government sector in the ACT, the largest employers, the areas where we have the greatest comparative advantage over any other Australian city and most other cities in the world. Surely, we should be supporting our higher education sector to grow. That is exactly what this schedule does. It supports our city's university. I commend it to the Assembly.

MR RATTENBURY (Molonglo) (11.55): I will be supporting the bill as it is currently proposed. I have looked very closely at this, as I did when we considered the issues around the University of Canberra last year. It is quite important that we give the university the ability to innovate, that we give the university the ability to strive for financial sustainability and to be a leading-edge university. It has made enormous progress in recent times. I think the university's reputation continues to increase, and I have supported these legislative changes over a period of time because I believe they provide a powerful framework for the university to take further steps forward.

I have looked very closely to make sure there are adequate safeguards and that there remains appropriate oversight, from the perspective both of the government and regarding the way in which the university council is able to examine the future of the university. I am happy to support these changes today, and I have also spoken in support of changes that have been made over the last six months or so to the way the university can use its land and the way that it can seek to enter into partnerships.

I cannot miss the opportunity to reflect on the extraordinary comments made by Mr Hanson. Coming from a man who leads a team who specialise in loud interjection, verbal bullying and every other sort of tactic they can think of in this place, for him to stand up here and give a lecture on the way—

Mr Hanson: I am agile, Shane.

MR RATTENBURY: He calls it agility. "Two faced" is now "agile"! That is what he has actually done here. A guy goes out into the community and presents himself as "Mr Charming" and then comes into this place and acts like the sort of bully boy that nobody has ever seen. That is the extraordinary double standard.

Members interjecting—

MADAM ASSISTANT SPEAKER: Order, members! There is no need to talk across the chamber. Mr Rattenbury, please do not respond.

MR RATTENBURY: That is the extraordinary double standard we have just heard in Mr Hanson's comments this morning. I invite him to print out a copy of the *Hansard* speech he just gave and reflect on it, and perhaps personally hand a copy of it to each member of his team.

Question put:

> That schedule 1 be agreed to.

The Assembly voted—

Ayes 7		Noes 6	
Mr Barr	Ms Fitzharris	Mr Coe	Ms Lawder
Ms Berry	Mr Hinder	Mr Doszpot	Mr Wall
Dr Bourke	Mr Rattenbury	Mrs Dunne	
Mr Corbell		Mr Hanson	

Question so resolved in the affirmative.

Schedule 1 agreed to.

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

Bill agreed to.

Animal Welfare Amendment Bill 2016

Debate resumed from 10 March 2016, on motion by **Ms Fitzharris**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (12.02): The opposition will be supporting the Animal Welfare Amendment Bill 2016. The bill amends the Animal Welfare Act to improve animal welfare by improving the offence provisions included in the act as well as the powers of inspectors and the court to intervene to prevent cruelty.

The bill amends the definition of cruelty to clarify the elements of cruelty. The new definition makes the physical and objective elements of a cruelty offence clear so that the court is no longer required to determine a person's intention in order to conclude that they have been cruel to an animal.

The bill introduces the concept of a duty to care for an animal. The duty requires a person to take reasonable steps to provide for the animal's needs in an appropriate way. This includes basic needs like food, water, accommodation and treatment for illness, disease or injury. The duty of care also includes a requirement to provide the animal with appropriate opportunity to display behaviour that is normal for the animal. This provision is quite vague but the government has assured the opposition that similar provisions in other jurisdictions are working well. The provisions give the power to the court to determine whether a person has breached their duty of care, taking into consideration the species, environment and circumstances of the animal as well as what a reasonable person would do in the circumstances.

The bill will make it easier to prosecute cruelty cases by replacing the requirement to prove pain with a prohibition on animal neglect and cruelty. This means that the court does not need to determine that the animal was in pain and broadens the scope to include acts of cruelty that may not have caused pain to the animal but were nonetheless cruel.

The bill clarifies the prohibition on cockfighting spurs and other devices that are made or adapted to be attached to an animal which allow the animal to cause injury to another animal.

A new section in this bill allows the court to make an interim order to prohibit a person from purchasing, acquiring, keeping, caring for or controlling an animal. This provision will be used in cases where an animal has been seized from a person and the person is likely to acquire another animal. The current provisions do not allow the court to get involved until a person has acquired another animal and there is suspected neglect or cruelty. This amendment will minimise the risk that people who are at high risk of mistreating animals will have an opportunity to do so. It is expected that these provisions will only be used in the most extreme circumstances.

The bill also allows the court to make an order to recover costs from owners of animals that are seized and require care. The cost of treating and rehabilitating animals that have been seized is often borne by the territory. This amendment would allow the territory to recoup some of these costs. In cases where owners have neglected or mistreated their animals it is not fair that they should then pass the cost of caring for that animal onto the taxpayer. The court will have the discretion to make an order for cost recovery.

In conclusion, I would like to thank the government and the directorate officials, as well as the RSPCA and the Animal Welfare Advisory Committee, for all their work on this bill. The opposition is pleased to support it.

MR RATTENBURY (Molonglo) (12.05): The Greens take animal welfare very seriously and have a strong record of action in this area. As a result of the parliamentary agreement, we have banned puppy farming in the ACT and introduced a new sales code so that pets in pet shops are properly looked after. We have also banned battery cage eggs and sow stalls in the territory. The ACT Greens also have a policy of removing government funding for greyhound racing in the ACT to help bring about an end to this practice, which is associated with various animal welfare issues.

This bill is very close to my heart. As the previous Minister for Territory and Municipal Services, I worked hard to get this legislation developed, in consultation with key stakeholders, including the RSPCA and the Animal Welfare Advisory Committee.

The need for this legislation was identified at a roundtable that my office instigated in January 2015 with the RSPCA and various parts of TAMS that had animal welfare responsibilities, including Domestic Animal Services and Parks and Conservation.

The roundtable covered a whole range of animal welfare issues and helped define various areas of responsibility. It became clear that the Animal Welfare Act 1992 did not always provide adequate support for the people working in the area of animal welfare.

I would like to thank TAMS staff and stakeholder groups for all the time they put into developing this bill. I would also like to thank Minister Fitzharris for continuing to advocate on animal welfare issues and for continuing to progress this legislation.

The bill will improve the operation of the Animal Welfare Act to promote and protect the welfare, safety and health of animals, and reflects the community's expectation that people who have animals will ensure they are properly treated. The bill also amends the following legislation: the Domestic Animals Act, the Domestic Violence and Protection Orders Act and the Magistrates Court (Animal Welfare Infringement Notices) Regulation. The bill will resolve structural and procedural issues that are hindering the application and enforcement of the act. I would like to outline some of these amendments.

A new section defines cruelty in relation to an animal, which includes: causing pain that is unjustifiable, unnecessary or unreasonable in the circumstances; beating that causes pain; abusing, terrifying or tormenting; and injuring or wounding that is unjustifiable, unnecessary or unreasonable in the circumstances. The inclusion of this list more clearly identifies the physical or objective elements of the offence, correcting previous provisions which required the court to make a subjective determination of a person's intention.

A new section provides a clear statement that a person in charge of an animal has a duty to care. The duty to care for an animal requires that a person take reasonable steps to provide for the animal's needs, including such basic needs as food, water, accommodation and treatment for illness, disease or injury. A person who fails to take reasonable steps to provide for an animal's basic needs, or who abandons the animal, will be guilty of an offence for which the maximum penalty is 100 penalty units. Codes of practice made under the act provide further and more detailed guidance on the welfare of animals and responsible animal ownership.

New sections more clearly and effectively prohibit animal neglect and cruelty. Previously the act had created an unintended barrier to the prosecution of neglect because it criminalised the outcome of neglect, not the neglect itself. Specifically, it required the prosecution to establish that a person had neglected an animal in a way that caused it pain.

The bill provides a more effective prohibition on cockfighting spurs and other devices that are attached to an animal that allow the animal to cause injury to another animal. Under the amendment, a person commits an offence if they possess a prohibited item. The bill increases the maximum penalty for this offence, from five penalty units to 20 penalty units. Amendments also narrow the exception to the offence. This amendment in particular has been included at the request of RSPCA ACT during the consultation on the draft bill. It will now be more consistent with prohibitions in New South Wales, Queensland, Western Australia and Tasmania, representing greater jurisdictional consistency.

The bill amends the powers of inspectors and authorised officers to clarify an area of uncertainty and provide a power to enforce court orders. Under these provisions, inspectors and authorised officers will have the power to seize dependent offspring of a seized animal and to seize an animal where the inspector or authorised officer believes that the animal is kept in contravention of an interim or other order.

New sections bring the act up to date with template powers exercised by authorised officers in equivalent circumstances under other territory legislation. These amendments will facilitate a more effective framework for the welfare and protection of animals and provide an essential safety measure for inspectors and authorised officers performing their functions under the act.

The court will be able to make an interim order, where appropriate, that a person must not purchase, keep or control any animal within a stated period. The interim order will be available in limited circumstances where an animal has been seized from a person, proceedings commenced and the court is satisfied that unless an appropriate order is in place, the person is likely to engage in conduct that will result in the seizure of an animal or a further proceeding to be started for an offence. This amendment aims to prevent further offences and ensure the welfare and protection of any animals that may be acquired following a seizure and prior to the determination of any charges.

An amendment also allows the court at the time of sentencing to make an order that a person must not purchase or acquire, keep, care for or control any animal within a stated period. This order can be made where the court has convicted a person of animal welfare offences and is satisfied that the person would be likely to commit a further animal welfare offence.

New sections will allow a court in specific circumstances to make an order in relation to the payment to the territory of expenses incurred in the care of animals. This amendment responds to an increasing, unintended trend where owners who are alleged to have committed animal welfare offences are indirectly being permitted to shift the costs of their animals' care, treatment and rehabilitation to the territory and, therefore, the community. The amended provisions are consistent with the Domestic Animals Act 2000, which provides that an owner of an animal seized under animal nuisance provisions is responsible for any costs or expenses incurred by the territory for seizing or impounding the animal.

Madam Assistant Speaker, this bill is important in protecting the welfare, safety and health of animals and ensuring proper and humane care and management. It improves clarity in the legislation. It improves definitions. It means that the RSPCA and Domestic Animal Services, as the two agencies in the territory with key responsibility for monitoring the welfare of animals and enforcing the provisions of the Animal Welfare Act and other key statutory obligations, are able to do their job more effectively. The construct of the law is clearer. It will ensure that where a prosecution is necessary, that prosecution has greater chance of success and it is less likely that somebody will be able to use legal wrangling to get themselves out of a clear breach of animal welfare duties. I think that this will ensure that the agencies that we entrust to monitor and protect animals in the ACT will be able to more effectively do their job. I am pleased to support this bill today.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (12.13), in reply: I thank members for their contributions today and thank both the Canberra Liberals and Mr Rattenbury for their support, and, in particular, Mr Rattenbury for initiating this very important work in his previous role as Minister for Territory and Municipal Services.

The bill we have debated today represents the government's ongoing commitment to targeted and evidence-based legislative reform. By removing barriers to effective action and animal welfare and protection, the bill also delivers on the government's promise to reduce red tape. The bill continues the important reforms achieved by the Animal Welfare (Factory Farming) Amendment Act 2013 and the Domestic Animals (Breeding) Legislation Amendment Act 2015. These reforms ensure the protection of very vulnerable animals by outlawing certain types of factory farming practices and the intensive breeding of dogs and cats in the territory.

With this bill, the government expresses the core concept of animal welfare and reflects the five freedoms which represent the leading thought in animal welfare. These freedoms are: freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury or disease; freedom to express normal behaviour; and freedom from fear and distress. All these are reflected in the bill through a definition of "cruelty" at new section 6A and a duty to care for an animal at new section 6B.

Section 6A provides that cruelty in relation to an animal includes causing pain that is unjustifiable, unnecessary or unreasonable in the circumstances; beating that causes pain; abusing, terrifying or tormenting; and injuring or wounding that is unjustifiable, unnecessary or unreasonable in the circumstances. This clearly defined list will allow the court to make an objective assessment about alleged conduct.

The previous absence of a definition in the existing cruelty provisions requires the court to make a subjective assessment of intention. The amended provision gives the court a series of actions to contemplate. These will operate in addition to the existing provisions and the new duty to care.

New section 6B provides that a person in charge of an animal has a duty to care for it. Specifically, the person in charge of an animal commits an offence if that person fails to take reasonable steps to provide the animal with: appropriate food or water; shelter and accommodation; opportunity to display behaviour that is normal for that animal; treatment for illness, disease and injury; or if the person abandons the animal.

I have explained the need to correct the operation of the existing neglect offence in the act. The current act does not criminalise neglect. Under the existing provision, neglect is only an offence if the neglect causes an animal pain. This is not an acceptable outcome and does not reflect the community's expectation that people who keep or care for animals will ensure they are properly treated.

The duty to care for an animal will require an owner to provide for their animal's basic needs having regard to the species, environment and circumstances of the

animal and taking the steps a reasonable person would be expected to take in the circumstances. The provisions will impose no onerous requirements on people who keep or care for animals. To ensure the requirements are reasonable and consistent with our human rights framework, new section 6B includes definitions of "appropriate", "reasonable steps" and "treatment" to allow the court to determine whether a person has failed to take reasonable steps to provide appropriate care or treatment.

This will require a court to have regard to all the circumstances, but it does not create ambiguity in the operation of the law. Rather, it reflects our confidence in the judiciary to determine questions of fact and law having regard to all the circumstances. A person who fails to feed their animals on one day because of a serious and temporary illness is not going to be captured by these amendments. These amendments, however, will capture the owner who goes to Queensland and leaves their animals starving and without water. They will capture the owner who leaves their Rottweiler tied to a trampoline with a 20-centimetre chain and no water in the middle of summer. And they will capture the owner who fails to seek veterinary treatment for their puppy after its skin has been melted off by cooking oil.

Amendments to section 14 improve the definition of "spurs". Under the amended provision a person commits an offence if the person uses a prohibited item on or in relation to an animal. The amendments respond to concerns that other items are being used on or in relation to animals so the animal can cause greater damage to another animal in a match or fight.

The new definition of "prohibited item" clarifies that prohibited items include not only spurs with sharpened or fixed rowels but also cock fighting spurs and any device that is made or adapted to be attached to an animal that lets the animal cause injury to another.

Amended section 14(2) provides that a person commits an offence if the person possesses a prohibited item. The maximum penalty for this offence is increased from five penalty units to 20 penalty units to provide a more effective prohibition. The offence will not apply to a person if the person possesses the item only for display or as part of a collection that is not intended for use on or in relation to an animal.

The bill amends sections 82 and 84 of the act, which set out the powers of inspectors and authorised officers. Under the amendments inspectors and authorised officers will be able to seize dependent offspring when seizing their mother. These amendments clarify an area of uncertainty in the law and ensure the safety of very young animals that still need to feed from their mothers.

Other amendments to sections 82 and 84 update the act and ensure it is consistent with the powers that are exercised by authorised officers in equivalent circumstances under other territory legislation. These amendments reflect the territory's obligation to ensure officers performing compliance and enforcement functions have the minimum powers necessary to discharge their functions effectively and safely. The amendments allow an inspector or authorised officer to require a person's compliance with a requirement made of them, for example, to move away from an animal or an exit so

officers can do their job. Their purpose is to ensure the safety of an animal, the authorised officer and any other person present and to ensure the officer can perform their functions effectively.

The power to require a person's full name and address is consistent with the Public Unleased Land Act 2013 and the Domestic Animals Act 2000 and can only be exercised if an inspector or authorised officer believes on reasonable grounds that a person has committed, is committing or is about to commit an offence against the act or may be able to assist in the investigation of an offence under the act.

The amendments will authorise an inspector or authorised officer to direct a person to produce evidence of these details only if the inspector or authorised officer believes on reasonable grounds that a person has given false or misleading personal details. The requirement for belief on reasonable grounds limits the use of the power to those situations where an inspector or authorised officer determines it is just inappropriate in all the circumstances.

I have already briefly referred to amendments that will allow the court to play a greater role in the prevention of cruelty to animals. Section 101 of the current act allows the court to impose an order at the time of conviction which effectively bans a person from having an animal if the court believes that person is likely to commit further offences against that animal or any other animal.

A new provision will allow the court to make a temporary order at the start of proceedings if the court believes that the order is necessary to prevent the person from engaging in conduct in relation to an animal that would require the seizure of that animal or a further proceeding to be started. These provisions will allow the court to make effective and appropriate orders to stop patterns of animal neglect and cruelty. Importantly, these interventions will be at the discretion of the court in circumstances where the court considers such an order necessary and appropriate.

A minor technical amendment corrects an error in the operation of this section so that the court's authority to make an order under section 101(3) does not arbitrarily depend on an order being made under subsection (2). I have already introduced amendments that respond to an increasing and a feasible trend where owners whose animals are seized under the animal protection powers are indirectly shifting the costs of their animals' treatment and care to the territory. The amendment acknowledges that the RSPCA had asked government for help to manage the costs of caring for and treating seized animals.

The bill will allow the court, where the court considers it appropriate, to make an order on conviction that a person must pay the territory for expenses incurred in the care of an animal. Costs awarded to the territory will help to defray the government's funding arrangements with the RSPCA. The amended provisions are consistent with section 114(6) of the Domestic Animals Act 2000, which provides that an owner of an animal seized under the animal nuisance provisions is responsible for any costs or expenses incurred by the territory for seizing or impounding the animal.

The Animal Welfare Amendment Bill will ensure the act operates effectively to promote and protect the welfare, safety and health of animals in the territory. It sends

a clear and simple message about the proper and humane care and management of animals in our community, and it reflects the community's strong expectation that people who keep or care for animals will ensure they are properly treated. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Smoke-Free Legislation Amendment Bill 2016

Debate resumed from 10 March 2016, on motion by **Ms Fitzharris**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (12.23): The Canberra Liberals will be supporting this bill. The bill addresses some of the issues that have come to light with a relatively new product—that is, vaporisers, commonly referred to as electronic cigarettes or e-cigarettes. On the one hand we do not want to restrict adults from buying products they are legally entitled to buy, especially if that product could assist as an alternative to other tobacco products. On the other hand we need reasonable and responsible restrictions that do not create new potential problems.

At this stage I think this bill strikes the right balance. It makes restrictions on personal vaporiser promotion and sales in the ACT in line with existing restrictions on tobacco and herbal products. It also prohibits the use of personal vaporisers in a legislated smoke-free area, including all enclosed public places, cars when children are present, outdoor drinking and eating places and underage music functions.

It matches, in principle at least, recommendations from the Cancer Council of Australia and the Heart Foundation Australia. They support ensuring laws in each state and territory cover e-cigarette usage and recommend both nicotine and non-nicotine electronic cigarettes are not used in places where smoking tobacco is prohibited. The bill addresses these concerns.

Research on e-cigarettes, their safety and their use as an aid in supporting quitting smoking is continuing to evolve. I acknowledge there are differing views in this area. We will monitor those developments and, if necessary, update the legislation in the future. But, at this stage, I think what the government has put forward is a reasonable response, and we support this legislation.

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

Sitting suspended from 12.25 to 2.30 pm.

Questions without notice

ACT public service—redundancies

MR HANSON: My question this afternoon is to the Chief Minister. Chief Minister, are there any agencies or directorates which are currently seeking expressions of interest for redundancies?

MR BARR: Yes.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, which agencies are you seeking to downsize?

MR BARR: Access Canberra, I understand, is seeking some voluntary redundancies, as are Chief Minister, Treasury and Economic Development. Redundancies were part of previously announced savings processes from budgets previously voted on in this place.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, how many jobs are you seeking to remove as a result of all of these redundancies?

MR BARR: A very small number; and I will get the exact number for the member.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, can you guarantee that all redundancies will be voluntary?

MR BARR: Yes, I can.

Transport—light rail

MR COE: The question I have is for the Minister for Capital Metro. Minister, a report by the Grattan Institute concluded that the proposed light rail project is likely to provide no more benefits than bus rapid transit but cost more than twice as much. Furthermore, the report finds that the actual benefit-cost ratio for the light rail project is just 0.5, well below the level needed to deliver a net benefit to the community. Minister, in light of this report, will the government reconsider its commitment to light rail in favour of a more cost-effective transport solution such as BRT?

MR CORBELL: I thank Mr Coe for his question. No, the government will not. The reason for that is that the report from the Grattan Institute regurgitates a debate amongst economists about the methodology applied to derive an appropriate benefit-cost ratio. The fact is the benefit-cost ratio for capital metro remains at 1.2. The benefit cost-ratio has been determined consistent with Infrastructure Australia guidelines and internationally accepted best practice, and that has been confirmed again today by the release of a second independent assessment of the capital metro business case, which I made public earlier today.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, did the independent reviewer for whom you released the report today see the underlying assumptions which underpin the benefit-cost ratio found in the capital metro full business case?

MR CORBELL: The scope of the independent reviewer is clearly outlined in his report.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how can Canberrans have confidence in the capital metro business case when you will not release this data?

MR CORBELL: It is not clear to me which data Mr Doszpot is referring to, Madam Speaker. The government has released the full business case for capital metro and has answered at length many, many questions about the underlying assumptions in the business case. That has included detailed examination in this place and in this place's committees, both select and standing committees, and we continue to provide a level of transparency that is unprecedented for a public-private partnership in Australia.

No other government in the country, to the best of my knowledge, has released the full business case in advance of the development of a project for a public-private partnership. So we have a clear commitment to transparency and we have a clear commitment to a very high level of detail that demonstrates why the government has made the investment decision it has.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how does failing to make the underlying assumptions data available fit in with your government's commitment to transparency and openness?

MR CORBELL: Mr Doszpot really should have listened to my earlier answers before he asked the supplementary. I refer him to my earlier answers.

Sport—Brumbies rugby union club

MR SMYTH: My question is to the Minister for Tourism and Events. Minister, what role did the ACT government play in facilitating the deal between the University of Canberra and the Brumbies?

MADAM SPEAKER: Minister Barr, I think this is a question that it is in your bailiwick to answer. I am not quite sure that it was directed appropriately; you might advise the Assembly where it might be better directed.

MR BARR: It may in fact refer to a period when I was minister for tourism, sport and recreation, but I will, nonetheless, take the question.

The relationship between the Brumbies and the University of Canberra is one principally struck between those two entities. The government, of course, did provide support through a financial grant for the construction. So we made a contribution towards the construction of the Brumbies headquarters at the University of Canberra.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what involvement has the ACT government had in the recent events related to the management of the Brumbies?

MR BARR: At the request of the chairman of the Brumbies board, together with the Chief Executive Officer of the Australian Rugby Union, I met with those gentlemen a few weeks ago. They presented to me an assurance that the matters that pertain to the Brumbies remain matters that pertain to the Brumbies, and that the ACT government would not be required to provide any financial assistance to the organisation, as the organisation's financial situation was robust, and that they had the full backing of the Australian Rugby Union.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: What advice did the ACT government provide to the Brumbies regarding the sale of the headquarters in Griffith?

MR BARR: I do not believe the ACT government would have provided the Brumbies with any advice.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, does the ACT government have a copy of the KPMG report about the sale of the headquarters? Are any ACT government officials adversely named in this report?

MR BARR: No, and I explicitly asked the chief executive and the chairman of the Brumbies when they came to see me in relation to the report, "Was the ACT government in any way involved?" and they categorically said, "No."

Council of Australian Governments—meeting

MR HINDER: My question is for the Chief Minister. Chief Minister, can you inform the Assembly of the outcomes of the meeting of the Council of Australian Governments held in Canberra last Friday?

MR BARR: I thank Mr Hinder for the question. I had two goals in attending COAG last week: firstly, to stand up for our city's health and education systems and then to argue for good public policy for our country.

The future of Canberra's hospitals, along with those in every state and territory in the country, depended on the commonwealth owning up to its previous horrific error of

stripping $57 billion out of Australia's health system. I am pleased to advise the Assembly that the vigorous defence of our hospitals by every state and territory leader—

Mr Coe interjecting—

MADAM SPEAKER: Order! You have got the opportunity to ask supplementaries.

MR BARR: Except for the Canberra Liberals whom I do note are the only state or territory party anywhere in the country now who appear to be defending the $57 billion cut. I am pleased that this was supported across the partisan divide at a state and territory level, with the notable exception of the Canberra Liberals. This was rewarded at the meeting even with a short-term, bandaid fix. The COAG agreement, the Prime Minister putting forward some more funding and increasing the commonwealth's offer, has restored some $50 million or thereabouts to the ACT health system of the $250 million that was cut in the period of the agreement. It goes a small way to rectifying what still remains a challenging situation.

I was also pleased with the outcome of the COAG discussion around education responsibilities. As I said in the press conference and as I have said on numerous occasions afterwards, the commonwealth's attempt to off-load all responsibility for public schools to the states and territories and to just fund private schools was a disastrous proposition. Simply, it would have led to a completely inequitable system running parallel public and private systems, one in the hands of the states and the territories and the other controlled by the commonwealth. To have gone down this path would have entrenched educational disadvantage in regional, poorer areas of this country.

Of course we still have a fight ahead of us to restore the $30 billion that was stripped from Australian schools, an average of $3.2 million per school. I, together with the other state and territory leaders, will continue to argue for what the Prime Minister tried to laugh off in the press conference as "the full Gonski". I do not think that not properly funding our schools is much of a laughing matter.

I was also disappointed by the haphazard approach taken by the commonwealth at COAG in relation to potential taxation reforms. To attempt to outline far-reaching tax changes to the media before premiers and chief ministers, to float ideas two days before a meeting and then provide no supporting papers at all, certainly was to condemn particular proposals to certain failure. Whilst I do not support different rates of income tax across different jurisdictions I also do not like proposals being dumped on the doorstep in morning newspapers, positions being formed on sketchy information and ideas rejected before we had even had the opportunity to properly discuss them.

At least we could agree on further examination of options for revenue sharing, because that will better support the essential services that states and territories deliver. One thing all leaders could agree on—and this was pleasing—was that we need to take every step to ensure children can safely attend school or other institutions. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Chief Minister, what funding changes were agreed at COAG to help deliver health services for Canberrans?

MR BARR: Under the agreement reached at COAG Canberra's hospitals will receive around an additional $50 million in commonwealth funding over the next three years. Of course, this is welcome and it will help to keep our hospitals delivering the care that Canberrans deserve. But let us be clear that it falls far short of the $600 million over 10 years that was ripped out of the system by the Abbott-Hockey budget of 2013. So it has taken almost two years of effort to make the federal Liberal government understand what the effects of their cuts would be; as the head of the AMA labelled it, "an economic and healthcare disaster".

Mr Hanson interjecting—

MADAM SPEAKER: Order! You have got a chance to ask questions, Mr Hanson.

MR BARR: To remind those opposite of the effect of the original cuts on the ACT, it would have meant the loss of funding equivalent to 58,000 elective surgery procedures. So by 2026 that funding, had it been provided and had the commonwealth honoured their agreements, would have employed another 1,200 nurses and provided 80 intensive care unit beds or 340 general inpatient beds to the territory. That is the scale of the cuts that the Liberal government at a federal level has provided.

We will get a small proportion of those services back, and for a shorter time. It is a bandaid solution but it is undoubtedly an improvement. So we can say that Prime Minister Turnbull is marginally better than Prime Minister Abbott. We can say that; I know those on the opposite side do not agree with that proposition. They are for Abbott. We will continue to push for the restoration of federal funding and we will continue to advocate for our health system. There is only one party in this city that supports the proper funding of public hospitals, and that is the Labor Party.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, do you have a guarantee from the federal Labor Party—from Bill Shorten, the opposition leader—that he will now fully fund the health and education promises? Yes or no?

MR BARR: Yes, I have a guarantee from the Leader of the Opposition in relation to education funding. That is a stated policy announcement. The Leader of the Opposition at the federal level has committed to fully fund the Gonski education reforms and I commend him for that. In relation to health, the Leader of the Opposition federally has made a public statement that he will in fact do better than Malcolm Turnbull in relation to health funding. We look forward to a better offer—

Mr Hanson: You're a hollow man.

MADAM SPEAKER: Withdraw, Mr Hanson.

Mr Hanson: I withdraw.

MR BARR: We look forward to a better offer from the federal opposition, but the one very clear statement that Bill Shorten made, which I and every state and territory leader would endorse, is that states and territories will do better—undoubtedly do better—under a federal Labor government. That is already very clear. The fact that those opposite are not even prepared to argue for more health or education funding for this jurisdiction reflects their priorities and their lack of interest in public health and public education. We see that writ large every time the Leader of the Opposition here opens his mouth.

MADAM SPEAKER: Supplementary question, Ms Burch.

MS BURCH: Chief Minister, in addition to proposals put forward for the education system, can you also tell the Assembly about harmonising reportable conduct schemes proposed by the ACT and agreed by the leaders at COAG, and how that would improve child safety in the future?

MADAM SPEAKER: I am sorry; the first question was about the outcomes from COAG in respect of which the Chief Minister spoke about health, education and taxation. The second question was about the agreements in relation to health. The second question was also about a guarantee in relation to health and education funding. But there has not been so far either in the question or in any of the discussion any issues relating to the harmonisation. Could you just repeat your question?

Mr Barr: If I could assist, Madam Speaker, one of the outcomes of COAG was an agreement on the harmonisation of reportable conduct.

MADAM SPEAKER: I do not recall you mentioning—

Mr Barr: The original question was about COAG outcomes.

MADAM SPEAKER: Yes. Could you sit down? Ms Burch, could you read your question again?

MS BURCH: Madam Speaker, if I may read the original substantive question, which was: can the Chief Minister—

MADAM SPEAKER: No, can you read your supplementary question, please?

MS BURCH: Well, it was around the outcomes of the meeting of the Council of Australian Governments held on Friday—

MADAM SPEAKER: Yes.

MS BURCH: and this was around the reportable conduct scheme that was discussed at COAG.

MADAM SPEAKER: Unless anyone can correct me, I do not recall up until now any question in relation to the reportable conduct scheme. I think, therefore, I have to rule the question out of order.

Mr Barr: Madam Speaker, could I read from my final—when you cut me off at the end of my—

MADAM SPEAKER: I am sorry, look—

Mr Barr: No, I was making the point that one thing all leaders could easily agree on was the need to take every step to ensure that children can safely attend school or other institutions. That is what the reportable conduct scheme is about.

MADAM SPEAKER: Okay. As I said, I was open to correction on that. I will allow the question.

MR BARR: Thank you, Madam Speaker. So the unanimous agreement across the partisan divide from COAG leaders was to harmonise reportable conduct schemes and this is a big step forward for child safety and protection in this country. That was an initiative that I brought forward to COAG that had its origins in the work of an ACT local hero, Damien De Marco. In the ACT we are, of course, working to introduce our own legislative scheme in coming weeks. This reflects the good work that has occurred in NSW and aligns with the scheme that is proposed for introduction in Victoria.

The royal commission has found systemic failings by institutions to prevent and report child abuse or neglect. A reportable conduct scheme, as is being developed in the ACT, will provide an independent, thorough and consistent review process for allegations of abuse and the response of such organisations to such allegations.

To put this simply, no organisation will be able to sweep child abuse allegations under the carpet anymore. Now is the right time to put forward this proposal on to the national agenda and I was very proud on behalf of the Australian Capital Territory to put it forward at the Council of Australian Governments.

By harmonising schemes, by sharing information between oversight bodies, we will better stop abusers from exploiting gaps and loopholes by moving from jurisdiction to jurisdiction. Nationally consistent schemes will also start to restore public confidence in the range of bodies that look after children, whether they are schools, dance classes, sports clubs, scouting groups or religious institutions.

Gaming—poker machines

MR WALL: My question is to the Chief Minister. Chief Minister, does your government support the community clubs gaming model as it currently stands?

MR BARR: The government has a memorandum of understanding with ClubsACT that outlines our commitments in this regard.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, given that you do continue to support the community gaming model, why are you considering an unsolicited bid for an expansion of poker machine numbers in the ACT?

MR BARR: The government is not seeking to expand the number of poker machines in the ACT.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Chief Minister, I ask again: does your government support the community clubs gaming model as it currently stands?

MR BARR: I refer the member to my previous answer to exactly the same question.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Chief Minister, has your government now abandoned its support for the community clubs gaming model as it currently stands?

MR BARR: The government has a memorandum of understanding with ClubsACT, and that outlines a range of commitments that the government has made for this parliamentary term.

Westside village—government support

MR DOSZPOT: My question is to the Minister for Tourism and Events. So far, the ACT government has spent $1.2 million on Westside Acton Park. It has now announced a new contract to reactivate this area. Why does a new pop-up site need reactivation?

MR BARR: The government has employed the services of an event company to provide a range of events and activities at Westside for the forthcoming period. Some in the media may have characterised that in the terms that Mr Doszpot has outlined. The government sees this simply as building on what is already a very strongly supported venture. I am advised that more than 50,000 people have attended major events at Westside in its first 12 months. On top of that, the regular trade, the regular weekend and weekday—

Mr Doszpot interjecting—

MADAM SPEAKER: Mr Doszpot, do not interject.

MR BARR: The regular weekend and weekday trade over 52 weeks would add at least another 50,000 people to that number. So around 100,000 people have attended the venue and have enjoyed the venue. It may not be to Mr Doszpot's taste, and that is fair enough, but it probably was not designed specifically for him.

Mr Doszpot interjecting—

MADAM SPEAKER: A supplementary question, Mr Doszpot. This is when you get to ask the question.

MR DOSZPOT: Minister, how much additional money from ACT taxpayers do you propose to spend on Westside Acton Park in the future?

MR BARR: The level of ACT government investment will of course depend on the duration of the licence that the government has with the National Capital Authority. It is the government's intention to seek an extension of that existing licence. Of course the bulk of infrastructure works and the like has already been undertaken so any future cost would be quite modest.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, will you continue to support this project when the two-year works approval expires and, if so, for how long will you be seeking a further extension of the approval?

MR BARR: I think Mr Wall asked me would we continue to support the venture until the conclusion of the current works approval. The answer to that is yes. Will we be seeking an extension? The answer to that is yes. The length—

MADAM SPEAKER: I think the question was: how long will you be seeking an extension for?

MR BARR: Yes. I think the National Capital Authority issue licences for up to a two-year period.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, when, if ever, do you anticipate that Westside Acton Park will be able to operate without the support of ACT ratepayers?

MR BARR: It operates now in that context.

Mr Hanson: No subsidies?

MR BARR: There is no ongoing operational subsidy for the venue. The infrastructure has been provided. Outside of the support that is provided in relation to the events and activities that are associated with the venue—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MR BARR: Outside of that, it has already been canvassed. The ACT government does not need to provide an ongoing subsidy. It is a very low cost venture. The traders—

Mr Coe: $1.2 million.

MR BARR: You are wrong, Mr Coe. The traders are operating—

Mr Hanson: Kerching.

MADAM SPEAKER: I warn you, Mr Hanson.

MR BARR: The small businesses that are operating there deserve our support, not the derision of those opposite. Let me assure you, Madam Speaker, and, through you, those on the opposition benches, that those people know how much you hate them.

Planning—Tuggeranong

MS LAWDER: My question is to the Minister for Planning and Land Management. In early March 2016 a *Canberra Times* article quoted you as raising the prospect of a new suburb in Tuggeranong, with the proposed name of Thompson. An ABC article of 3 March 2016 states:

> But it is also in an area the Government describes "as having high environmental and heritage values".

Minister, will you guarantee that existing leases, including the Tuggeranong Archery Club's two leases and the heritage section of Thompson homestead, will be honoured?

MADAM SPEAKER: Ms Lawder, I did not hear the end of the question.

MS LAWDER: Minister, will you guarantee that existing leases, including the Tuggeranong Archery Club's two leases and the heritage part of Thompson homestead, will be honoured?

MR GENTLEMAN: I thank Ms Lawder for her interest in Tuggeranong and the opportunities for residential land there. I can say that we are fully supportive of the operations of the archery club as well as, of course, heritage issues in regard to the original Thompson homestead. In fact I signed off on the heritage listing for Thompson.

It is important to understand all of our heritage in a planning sense as we move out across the territory and to engage with people who are operating leases in the area. I have done that as a first response. In fact, I visited the archery club last Friday and had a look at the area they have been using. We have looked at the particular club site. It

is formally within a recreation zone, so there is no opportunity to change anything there; nor would I want to—also in regard to the site that they lease alongside that site.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, how would the designated river conservation area be preserved, including during a disruptive building period?

MR GENTLEMAN: It is important, of course, that through this process we ensure that the environmental impact is lessened on any river corridor. We have strategic legal parameters to work through—that is the EPBC act—and, of course, our own environmental conditions. All of that would be adhered to during that process.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, how would the flooding that currently occurs across the field archery site be managed?

MR GENTLEMAN: That would be a matter for EPD in the environmental sense. The conservator would also be involved in that and of course any development that comes through. It is very early days at this time.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, why have you made this announcement on the fly rather than going through a planned and well-thought-out consultation, design and analysis process?

MR GENTLEMAN: I do not agree with the premise of Mr Smyth's question. It is not on the fly. It is a deliberate action to engage community consultation. We did this through the statement of planning intent workshops where we heard from the community on where they would like to see planning go for the future of the ACT. It is our intention to engage at a very early time to ensure we get the community's views on any proposal for a new residential opportunity in Tuggeranong.

Planning—Tuggeranong

MS BURCH: My question is to the Minister for Planning and Land Management. It is about the future development of a new suburb immediately west of the Tuggeranong town centre; that is, immediately west of the town centre and not, as being proposed by others, going across the river. Could you outline for the Assembly the role that this may play in renewing Tuggeranong?

MR GENTLEMAN: I thank Ms Burch for her interest too in Tuggeranong. It seems that it is a very interesting place to be this time of year. As we have heard, last month I did announce the commencement of a consultation period on a potential new suburb for land west of the town centre, the first new suburb in several decades. We are still in the very early days, as I have said, of planning for this potential new suburb in Tuggeranong.

It has also been identified, as I have said, that there is a lot of work ahead for government before the new suburb could be developed. However, I believe that it is important to start this conversation early to allow full and genuine consultation that will provide the community with far more decision and choice as to what they would like to see and how they would like to see any potential growth and renewal.

I, along with many other members of the government, have commenced conversations with all interested parties and community groups that utilise this impressive area in Tuggeranong about any potential ideas they may see being valuable to the renewal of the area. We want to connect residential to recreational and build a happy and cohesive community that achieves balance in a unique way.

This has been a priority for me in my role as minister for planning after consulting on and releasing the statement of planning intent, as I mentioned, last year. It showed the community's views on urban intensification around areas such as this but it also showed that they wanted to be part of the conversation from day one. I believe that this is the model that development should take into the future.

Renewing Tuggeranong will allow new opportunities and breathe life into the Tuggeranong town centre. As a local member for Brindabella, one of the most frequent conversations I have at local community stalls and events is that the town centre is due for the start of its next generation transformations, similar to those that we have seen in Belconnen and Tuggeranong. The development of this area will allow for new residents to come closer into the town centre, providing opportunities for local businesses and organisations to grow.

Another positive aspect of this potential development is the ability to open the river corridor to allow for more of the community to access the beauty of the river. Similar to plans for Riverview, these developments, done correctly, offer many opportunities for recreational activities and community access.

Potential for a new suburb would also look at positive community benefits from integrating development and transport. In fact, during my recent visit to the US and Canada, we saw firsthand the positive economic uplift and better social planning outcomes of planning in this very space.

Renewing Tuggeranong in this way would see this development capture the same opportunity and be a prime example of this in practice. This detailed planning will incorporate transport services and include a local road network along green corridors. Of course, the local topography, as we have heard, would be reflected whilst continuing to maintain views of the Brindabellas.

Pedestrian and cycle connectivity between new residential areas and the town centre and river will be important. The connectivity would prioritise walking and cycling paths and will contribute to the vision of an ACT integrated transport network. All this and more would form the basis for developing a new suburb and could lead to a territory plan variation with a continued vibrancy focused on urban renewal.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Minister, how important is urban renewal and providing more housing options for the residents of Tuggeranong?

MR GENTLEMAN: I thank Ms Burch for her supplementary. As we continue to grow and age as a city, with Tuggeranong commencing its next generation, it is important to provide a quality range of housing options for the Canberra community. Urban renewal is a core priority of this government. Continued renewal of our city is vital to continue to grow Canberra's economy and strengthen our community. The redevelopment of urban areas makes Canberra a more prosperous, compact, livable and sustainable city. It supports the need to increase our city's population density and makes for a more connected city with better places and spaces.

During my statement of planning intent workshops I engaged directly with a number of local senior citizens who provided feedback on the importance of ageing in place. New developments, such as townhouse and smaller sized dwellings, will provide the community with the options about where and how they live, including opportunities to downsize within the established community of Tuggeranong, close to familiar facilities and services, and, of course, family and friends. During the community consultation for the statement of planning intent, the community was also clear on its expectations. Our community wanted neighbourhoods to be inclusive, to provide housing choices and community facilities to meet the needs of all socio-demographic groups and allow the community to age in place.

My statement of planning intent will continue to provide guidance over the coming five years as the government continues to revitalise areas such as the Tuggeranong valley. As was the case with the statement of planning intent, I will continue to liaise with the residents of Tuggeranong on their ideas for a new suburban development in Tuggeranong.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, how will the community be engaged in a conversation about the proposed new suburb?

MR GENTLEMAN: I thank Mr Hinder for his interest in community engagement across the territory. It is critical that the community have their say and are engaged through the entire development proposal. The government has been actively engaging with a number of stakeholders and local residents in order to gain their early views. The community consultation has been continuing since the beginning of March, using best practice community engagement methods to reach deep into Tuggeranong and the wider community.

The interactive community engagement website "Have your say", an EngagementHQ online tool, has been the central point for Tuggeranong locals and the interested Canberra community to provide comment. To date we have received 115 comments, largely with environmental and water quality feedback. The community consultation has also reached out to the public through social media both on Twitter and on Facebook, with a variety of accounts.

Public meetings are currently being held with stakeholders, allowing an opportunity for all those with an interest in the potential suburb to have their say. I will also be presenting tonight to the Tuggeranong Community Council, who have been supportive through our conversations so far.

This initial community consultation will be held until 22 April, at which point the first phase of this engagement period will come to a close. The next part of the engagement will allow a more in-depth conversation to occur about issues and feedback that have been raised to date. These engagements are in line with what the community has been calling for: renewal of the area but with proper consultation. It is important that we get this consultation right as this potential development is a key driver for the renewal of Tuggeranong.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: A supplementary to the Minister for Planning and Land Management: minister, what are some of the environmental and recreational attributes which are important to consider in any new development in west Tuggeranong?

MR GENTLEMAN: Tuggeranong, of course, is a great place to live. The Brindabella mountain backdrop to the 18 suburbs reinforces the proximity of our national park; and the importance of considering this unique setting in taking into account the environmental, recreation amenity is vital.

The ACT government is currently consulting the community about the potential new suburb in the area west of Tuggeranong. The Murrumbidgee River is situated at the back of this unique setting and any planning that takes place must consider this asset when planning for a possible new development. From the beginning we have constantly reiterated the importance of this river corridor and the need to allow appropriate setbacks whilst providing more options for the community to be able to utilise the area.

It is for this reason that we believe previous proposals to go across the river are unsuitable for the area. I understand that the Tuggeranong Community Council has moved a motion to that effect as well. There is scope, however, to use the distinctive environment scene to take full advantage of the recreational potential of the area just to the west of the Hyperdome. The importance of the Tuggeranong area and its local recreational activities is prominent. I have had this brought to my attention through direct feedback from the community.

It is also worth noting that there are countless numbers of recreational groups in the Tuggeranong area, which amplifies the need to ensure recreational amenities remain prominent for southern Canberra. Recreational groups include archery, badminton, basketball, hockey, rugby, the Men's Shed, just to name a few. There is great potential to see these activities being enhanced and integrated by any potential development. Through linking the already existing activities with the new potential activities and residential options there is great scope to provide a cohesive community that achieves balance and provides the best possible results for all Canberrans.

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

Leave of absence

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

> That leave of absence be granted to Mrs Jones for today for family health reasons.

Papers

Madam Speaker presented the following papers:

> Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Report for the period 1 July to 31 December 2015, dated 29 March 2016, prepared by Professor Dennis Pearce.
>
> Standing order 191—Amendments to:
>
> Protection of Rights (Services) Legislation Amendment Bill 2016, dated 15 March 2016.
>
> Road Transport Legislation Amendment Bill 2016, dated 15 March 2016.

Mr Barr presented the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contracts:
>
> Lana Junakovic, dated 26 February 2016.
>
> Linda Kohlhagen, dated 1 March 2016.
>
> Lloyd Esau, dated 22 February 2016.
>
> Rosemary O'Donnell, dated 10 March 2016.
>
> Short-term contracts:
>
> Amy Phillips, dated 26 February 2016.
>
> Christine Lucas, dated 8 March 2016.
>
> Julie Field, dated 25 and 26 February 2016.
>
> Karen Greenland, dated 25 February and 1 March 2016.
>
> Karen Wilden, dated 7 and 8 March 2016.
>
> Kellie Lang, dated 10 and 16 March 2016.
>
> Susan Chapman, dated 17 March 2016.
>
> Victor Martin, dated 4 and 8 March 2016.

Contract variations:

David Snowden, dated 9 March 2016.

John Wynants, dated 5 January and 8 March 2016.

Philip Canham, dated 8 March 2016.

Rex O'Rourke, dated 3 March 2016.

Auditor-General's report No 10 of 2015—government response

Paper and statement by minister

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal): For the information of members, pursuant to subsection 17(6) of the Auditor-General Act 1996, I present the following paper, which was presented to the Assembly on 9 February 2016:

> Auditor-General Act—Auditor-General's Report No. 10/2015—2014-15 Financial Audits—Government response.

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

Leave granted.

MR BARR: I present the government's response to the Standing Committee on Public Accounts on Auditor-General's report No 10 of 2015 entitled *2014-15 Financial Audits*. I note that the recommendations in the Auditor-General's report largely relate to controls for whole-of-government ICT policies and strategies. The government response agrees to five of the six recommendations in the report and agrees in principle with the remaining one. Details of the government's position on each of the recommendations are contained within the submission I have tabled this afternoon. I commend it to the Assembly.

Road Transport (Third-Party Insurance) Act 2008—review of act

Paper and statement by minister

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

> Road Transport (Third-Party Insurance) Act, pursuant to subsection 275(2)—Review of Act, dated 16 March 2016.

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

Leave granted.

MR BARR: I move this afternoon to table a report into the review of the Road Transport (Third-Party Insurance) Act of 2008. Under section 275 of the act, there is a review of the operation of the act that is required, and I present the report of the review to the Assembly.

This is the second report into the operation of the compulsory third-party insurance—CTP—CTP, scheme. The first review, following the commencement of the act in October 2008, was tabled in the Assembly on 20 March 2012. I note that section 275 requires that I present a report on the review within three months after the review is started. The review was commenced in accordance with the act on 1 January 2016. As such, the report was required to be presented before 31 March 2016. As the act does not contain any provision for an out-of-session circulation, this was the first available sitting week after the report was completed in mid-March.

Section 275 provides that "a review of the operation of the CTP act be undertaken". It does not provide criteria or terms of reference. The overarching terms of reference established for the review are as follows: review the operation of the act over the three years to 31 December 2015 and report on the extent to which the more quantitative-related CTP scheme objectives have been achieved. The quantitative-related objectives were selected from section 5A of the CTP act, which provides the objects of the act.

The independent review of the CTP act was undertaken by the CTP scheme actuary. The scheme actuary provides actuarial analysis and services to the CTP regulator. The actuary was selected to undertake the review because of his understanding of the ACT's scheme design and extensive knowledge of schemes operating in other jurisdictions.

I note that the review period contains two very important changes to the CTP scheme: firstly, the commencement of competition, with three Suncorp brands providing CTP insurance in the ACT from 15 July 2013; and, secondly, from July 2014, the introduction of the lifetime care and support scheme.

I am pleased to report that the review found that amendments made to the CTP scheme by the government have led to an improvement in the operation of the CTP scheme. In July 2013, three new CTP insurers—GIO, AAMI and APIA—entered the CTP scheme alongside the NRMA. Right from the outset the Suncorp entities were competitive, offering after-market rebates on CTP premiums of between $20 and $75, and offering discounts on non-CTP premiums when packaged with a CTP product. In setting out to increase market share, the Suncorp brands began lowering premiums from March 2015, and have continued to lower premiums, with more premium reductions starting a few days ago, on 1 April 2016.

The review found that the ACT CTP market is price sensitive, with relatively small reductions in premiums leading to increased market share for the respective brands. The market share of the three Suncorp brands was initially around 10 per cent. From January 2015, GIO's premiums fell below those of the NRMA, with market share for the Suncorp brands increasing to around 45 per cent of CTP premiums written. The

premiums for GIO and AAMI were lowered further from September 2015, resulting in further increases in market share for these brands. Suncorp's continued competitive stance and offering of premium reductions, the growth in their market share and price sensitivity all highlight just how enthusiastic ACT motorists have been to embrace competition.

Competition has also led to a greater choice in product offerings and better quality products such as at-fault driver cover. The NRMA, GIO and APIA now provide at-fault driver cover, with at-fault drivers now able to receive lump sum benefits for specified injuries.

Another great outcome over the review period has been the increased use of the motor accident notification form—MANF—claims process. In 2009, the year after the MANF claims process was introduced, approximately six per cent of all claims were MANF claims. Over the review period, this has risen to 13 per cent. The MANF changes to the CTP scheme were made in 2008 as a way of reducing the time taken to access treatment for smaller claims, claims up to $5,000. The higher use of the MANF claims and the lower average cost have contributed to insurers being able to lower premiums. But importantly, this has also meant that claimants are getting quicker access to treatment.

It is also noted that the lifetime care and support scheme introduced by my government, which provides payments to persons catastrophically injured in motor vehicle accidents, has also led to a once-off reduction in CTP premiums. However, Madam Speaker, the review has found that there are a number of issues hampering the operation of the CTP scheme.

The ACT's CTP scheme is primarily a common-law system with few qualifying thresholds or caps on some heads of damage. This scheme structure has a strong effect on the claim costs, and these claim costs contribute to high premiums.

A high proportion of premiums in our CTP scheme go towards the costs of pain and suffering and legal costs. In comparison with similar common-law-based schemes in New South Wales and Queensland, the proportions in our scheme are high. A table in the review shows that pain and suffering and legal costs represent 61 per cent of total costs paid out by the scheme relative to New South Wales, at 32.5 per cent, and Queensland, at 31.5 per cent. These high costs reflect scheme inefficiency and are ultimately to the detriment of the treatment and care benefits paid to injured parties to assist in their speedy recovery.

Despite the recent decreases in premiums, the affordability of ACT CTP policies continues to compare unfavourably with other jurisdictions. The ACT's premiums are still the second highest after New South Wales, with this high premium attributable to the scheme design.

The review also notes that the generous scheme design relative to other common-law schemes limits the potential to deliver significant future cost-of-living reductions. The actuary specifically states that reform of the scheme design will be required in order to deliver further significant premium reductions in the future.

In summary, while the introduction of competition has led to lower premiums for motorists, competition can only deliver limited premium reductions in the years ahead, and meaningful reform of the scheme is required to deliver significant premium reductions.

I note with interest that the New South Wales government is currently undertaking a public consultation process on its CTP scheme—"On the road to a better CTP scheme: options for reforming green slip insurance in New South Wales". The findings in the New South Wales consultation paper and the aims of that consultation process reflect many similarities with the findings of the ACT's scheme review. Among other things, the New South Wales option paper is designed to reduce the cost of premiums and increase the proportion of benefits provided to the most seriously injured road users.

As I am sure members who were here at that time will recall, the government's Road Transport (Third-Party Insurance) Amendment Bill 2011 attempted to reform the CTP scheme and was designed to address many of the issues raised in our ACT review and in the New South Wales reform paper. The bill specifically addressed the scheme design issues and its impact on efficiency, effectiveness and the cost of premiums. Unfortunately, the opposition chose at the time not to support the reform bill.

Madam Speaker, the findings of the review and the current New South Wales current consultation process will be invaluable in the consideration of future reform of the ACT CTP scheme It is important that our CTP scheme continues to be improved so that the needs of those injured in motor vehicle accidents, including rehabilitation and a speedy resolution of claims, continue to be met. I commend this report to the Assembly.

Papers

Mr Gentleman presented the following papers:

Mr Fluffy loose-fill asbestos—Update on the ACT Government response to the issue—Quarterly report—1 October to 31 December 2015.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Health Act—Health (Protected Area) Declaration 2016 (No. 1)—Disallowable Instrument DI2016-26 (LR, 21 March 2016).

Magistrates Court Act—Magistrates Court (Health Infringement Notices) Regulation 2016—Subordinate Law SL2016-4 (LR, 29 February 2016).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-5 (LR, 29 February 2016).

Medicines, Poisons and Therapeutic Goods Regulation 2008—

Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2016 (No. 1)—Disallowable Instrument DI2016-12 (LR, 2 March 2016).

Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2016 (No. 2)—Disallowable Instrument DI2016-21 (LR, 21 March 2016).

Planning and Development Act—

Planning and Development (Lease Variation Charge Exemption) Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-6 (LR, 18 March 2016).

Planning and Development (Remission of Lease Variation Charges—Economic Stimulus and Sustainability) Determination 2016 (No. 1)—Disallowable Instrument DI2016-28 (LR, 22 March 2016).

Public Health Act—Public Health (Community Pharmacy) Code of Practice 2016 (No. 1)—Disallowable Instrument DI2016-11 (LR, 29 February 2016).

Public Place Names Act—

Public Place Names (Canberra Central and Majura Districts) Determination 2016 (No. 1)—Disallowable Instrument DI2016-30 (LR, 24 March 2016).

Public Place Names (Throsby) Determination 2016 (No. 1)—Disallowable Instrument DI2016-29 (LR, 24 March 2016).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2016 (No. 1)—Disallowable Instrument DI2016-23 (LR, 17 March 2016).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2016 (No. 2)—Disallowable Instrument DI2016-24 (LR, 17 March 2016).

Road Transport (General) Act—

Road Transport (General) (Pay Parking Area Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-14 (LR, 4 March 2016).

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No. 4)—Disallowable Instrument DI2016-25 (LR, 17 March 2016).

Road Transport (General) Independent Taxi Operator Exemption Declaration 2016 (No. 1)—Disallowable Instrument DI2016-13 (LR, 2 March 2016).

Road Transport (Safety and Traffic Management) Regulation 2000—Road Transport (Safety and Traffic Management) Protective Helmets for Motorbike Riders Approval 2016 (No. 1)—Disallowable Instrument DI2016-22 (LR, 17 March 2016).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 2016 (No. 1)—Disallowable Instrument DI2016-17 (LR, 10 March 2016).

Utilities (Technical Regulation) Act—

Utilities (Technical Regulation) (Light Rail Regulated Utility (Electrical) Network Boundary Code) Approval 2016—Disallowable Instrument DI2016-19 (LR, 10 March 2016).

Utilities (Technical Regulation) (Light Rail Regulated Utility (Electrical) Network Code) Approval 2016—Disallowable Instrument DI2016-18 (LR, 10 March 2016).

Utilities (Technical Regulation) (Regulated Utility Coordination Code) Approval 2016—Disallowable Instrument DI2016-20 (LR, 10 March 2016).

Waste Minimisation Act—Waste Minimisation (Landfill Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-27 (LR, 24 March 2016).

Valuing young people
Discussion of matter of public importance

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

> The importance of creating a city for Canberra's young people and valuing their ideas.

MS BURCH (Brindabella) (3.25): I am very pleased to bring this matter of public importance to the Assembly today. Canberra, as we know, is indeed a vibrant city filled with a diverse and rich social fabric. We are fortunate to be part of a community that encompasses many walks of life. I believe that as a government we recognise and value being part of a community that recognises the voices of all—the young and the old.

The voices of young people are as important as any. Indeed, given that they are our future leaders, it is essential that we provide appropriate platforms for their voices to be heard and their ideas to be valued. To this effect, there are many ways in which the government recognises the voices of our young people and supports their contribution.

In the coming months the government will be conducting a listening tour of 15 local youth groups to hear firsthand the concerns and perspectives that are held by Canberra's young people in the different settings. The Community Services Directorate will also be conducting a series of discussions with young people to gain further insight into their needs, their values and their ideas.

Another stream of activity in youth engagement is being led by the Canberra Islamic Centre, which has identified a number of Muslim youth living in the ACT who are potential future leaders amongst their peers. The Islamic Centre is planning a series of workshops for these young leaders in late April and early May of this year. These workshops will come together in a youth conference for about 100 to 150 local and interstate young people on 28 May at the National Portrait Gallery. There will be discussions about what it is to live a positive life as a young Muslim and to contribute to the general wellbeing of the Australian community.

As we know, it is vitally important for young people to feel connected to their communities, to feel valued, empowered and to contribute. The work of the Islamic

Centre in doing this to ensure that our Muslim community feels connected and empowered is something that we as a community should be immensely proud of, and I look forward to seeing the outcomes of those workshops.

One well-established mechanism for promoting the views and contributions of young people is the Minister's Youth Advisory Council. This council provides young people with an opportunity to take a leading role in participation and consultation activities on issues that affect their lives. The council's current work plan identifies three broad priorities, including gender and sexuality, youth homelessness and drugs and alcohol. The council aims to reduce stigma and misconceptions about LBGTIQ youth, to improve education and support pre-existing organisations in order to create a more educated and accepting society.

The council also aims to raise awareness of youth homelessness, to reduce the stigma attached to it and to encourage support for service providers, and this includes supporting events focusing on youth homelessness, such as the Canberra Community Sleepout and Youth Homelessness Matters Day.

I am also pleased to provide information on how the better services local services network in the west Belconnen area is responding to the needs of local young people. Young people have told us that they want more access to information in schools, local job networks and employment opportunities, and leadership development programs for young people.

Even a cursory glance across fields such as sports, arts and business, education and volunteering will provide evidence of the role that young people play in these areas. This is why the government supports initiatives that aim to involve young people in the community with a particular focus on creating an inclusive community. There has been a strong history of this government supporting young people.

Very early in its term, the government released the youth InterACT strategy that focuses on 12 to 25-year-olds. It provides activities and strategies for their engagement across the community. There are a number of grants that form part of the youth InterACT initiative that have a strong emphasis on youth participation and encouraging young people to develop, implement and facilitate youth-focused projects.

Those grants are in addition to other grants such as the Audrey Fagan enrichment grants, which are targeted at local young women aged between 12 and 18 years. Those enrichment grants are another way the government continues to develop opportunities for young women.

The health of any community depends on the support for its young people. That is why it is so important that we listen to what they are telling us. It is not just a case of listening; with the leaders in this place, we need to act on what they are telling us. It is a commitment that I am pleased to affirm here today. As various activities occur in this city through National Youth Week and other activities, I encourage everyone to be involved. They are our future leaders and we need to give them the due respect that they deserve.

MR WALL (Brindabella) (3.31): I am more than happy to speak on the MPI today—namely, the importance of creating a city for Canberra's young people and valuing their ideas. However, I do find it ironic that the MPI has been brought here today by an ex-minister who oversaw a child with a disability being placed in a cage in an ACT school. It is one thing to talk about the importance of creating a city for Canberra's young people and valuing their ideas; it is entirely another thing to put this into action.

This government has been paying lip-service to our community and its groups for far too long. We are expected to listen to their vision statements about what a great place this town can be. But it would appear that more money is being spent on spin and marketing than the actual services that people need to live their daily lives. It seems to be all gloss and no substance.

You only need to look at the Westside container village. This facility was supposed to offer a vibrant hub for the younger Canberrans. The first major event took place in March last year and it has been struggling ever since. The village was shut down in April, a month after its first major event, so remedial works could be undertaken, and it has been widely criticised since its inception, so much so that Chief Minister Andrew Barr decided to go on the defensive, and continues to do so. He was quoted in the *Canberra Times* on 2 June of last year saying:

> It's been an outstanding success and will continue to be. I will not accept this commentary that no-one goes there, that no-one enjoys it, when it's hugely popular with a certain demographic; the demographic it was designed for.

Fast forward less than 12 months and it has been such an abysmal failure that the Barr government has had to use even more of the taxpayer dollar to "reactivate" the area. When is enough enough with this government?

We are now almost six months out from the election and they are now considering discussion on valuing the ideas of our young people. We have also just heard of the recently announced so-called listening tour. If the government were really serious about considering the views of young people and, in fact, any demographic other than their own narrow elitist views, they would look at the things that really matter to young people, like housing affordability.

How can we expect the youth to thrive if they cannot meet the basic needs that they require to live in this city? The Barr government's land release policy only seeks to drive up prices and make the concept of owning your own home even further out of reach for young people growing up in the city today.

Transport is yet another important consideration for Canberra's young people. The government's response to this is to build light rail that will provide benefits to a very small proportion of this town. A *Canberra Times* article as recent as today states:

> In 2012 the ACT government ignored its own analysis in choosing light rail over a busway, and in 2014 the business case included benefits which are implausible and unsubstantiated.

That is a quotation from as recently as today's paper. The government spruik the concept of valuing the ideas of our young people, yet their complete lack of consultation and communication proves that they have absolutely no interest in valuing any opinion other than those who agree with their out of touch perspective.

In the Youth Coalition's 2016-17 budget consultation response they indicated that there was—I quote again, this time from the Youth Coalition's report—"a clear level of frustration, particularly from community sector workers with the inconsistency and/or inequity in funding arrangements as well as a lack of big picture or whole-of-community view".

I will repeat that last bit again: it states that there is a lack of "whole-of-community view". That statement comes from young people and people involved in working in the youth sector within the ACT. Yet signals from those opposite in the Labor and Greens government continue to be more lip-service. When looking at Mr Barr's recent state of the territory speech just last week, even the ACT Council of Social Service was critical of the Chief Minister's approach stating that they are, "not keen at all on the generational divide and conflict being spruiked by Andrew Barr at his state of the territory address".

So it seems that even the peak body for social services in this territory is having great difficulty trying to understand the age bias that this Chief Minister is promoting and the lack of vision for all Canberrans. His vision for this city, a city of ambition and advantage, is for the few. It is for the three per cent that would benefit from projects such as light rail. It is for the minorities that can afford their sparkling water at their expensive city restaurants. It is for the elitist few. It is not for families who are struggling with the cost of living and it is certainly not for young people who are finding it difficult to make ends meet or to get a start in life as adults.

Lip-service and marketing are all that this government is willing to invest in our youth, believing that they are naive enough to accept this. Our youth want practical approaches and practical solutions from a government that has spent years underestimating their value. Creating a city for Canberra's young people and community as a whole is not lost on the Canberra Liberals. However, it is certainly something that was lost a long, long time ago by those opposite in the Labor and Greens government.

You only need to look as recently as last week at the transport proposal that was put forward by the Canberra Liberals that is overwhelmingly encouraging and overwhelmingly accessible for all Canberrans, regardless of age, regardless of gender, regardless of ancestry, regardless of culture. It is a bus system that would service all of Canberra, unlike the proposal that has been put forward by those opposite that seeks to benefit just the very few.

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) (3.36): As the minister with responsibility for youth engagement, I appreciate the opportunity to talk about this important issue of creating a city for Canberra's young people and valuing their ideas.

Today we again heard the Canberra Liberals talking our city down, and talking our city down for young people as well. This is an opportunity for the government to talk up the city and talk about ways in which we are continuing to involve and engage young people in a conversation as we grow our city now and into the future.

Canberra as a community celebrates the energy and achievements of our young people, supports those who experience challenges and looks to lay the foundations for them to succeed in school and then employment. Today I would like to talk about some of the ways that the ACT government is creating a community for our young people and making sure their voices are heard. I note the Chief Minister's comments in recent times in standing up for the work that the Safe Schools Coalition has been doing in our schools in providing support for young people, and his passion in giving young people the chance to celebrate at the pop-up village. Ms Burch mentioned the better services grants in west Belconnen, where we are giving young people a chance to come forward and talk about what is important to them. Of course, we do not hear any of those kinds of initiatives coming from those opposite. They are continuing to talk our Canberra community down.

A good education and positive early work experiences set young people up for life. As a major provider of vocational and higher education in our community, CIT plays an important role in supporting young people. In 2015 CIT had 7,872 students aged 25 and under and trained 72 per cent of all apprentices in the ACT. Students come to CIT at different times in their youth. For some, CIT is the next step towards a vocational career in their post-school years. For others, like me as a young person, it is an opportunity to retrain or extend their skills to take on new challenges in their work life.

Most importantly, CIT offers many of Canberra's young people a second chance to continue their education. We have heard today about the challenges that young Canberrans can face. CIT plays an important role in making sure that when life's challenges get in the way of their education, young people have easy pathways back to training. That can be the chance to retake year 12 or year 10, to jump straight into a trade or to improve their literacy and numeracy and to make the transition to stable employment. The national 2014 student outcomes survey showed that the proportion of CIT students who achieved employment after training at the CIT was more than 22 per cent higher than the national average.

It is not just all work and no play for young people here in the ACT. Some good examples of how the ACT government supports fun are the seven major skate parks in Canberra. Skate parks are important social hubs for young people. Belconnen, in my part of town, has the largest skate park in the Southern Hemisphere and is now equipped with a service very important to young people—free wi-fi.

Skate parks are a great demonstration of how young people can contribute to building strong and supportive cultures on their own. I had the chance to chat with some young skaters and the President of the Canberra Skateboarding Association, Tony Caruana, earlier this year about the challenges that young people face, particularly around keeping those skate parks tidy. The skaters told me about the informal cleaning and

maintenance that the skating community undertakes to ensure that the site stays clean and safe for all users. They see it as more than just a government responsibility. They see it as their own responsibility to keep their place safe and clean for all users across the community. This culture of responsibility is reflected through the Territory and Municipal Services skate park users group where representatives of boarders, BMX bike riders and skater groups come together to provide a forum for ideas and feedback from all groups that make use of these facilities.

Another good example of tangible support of fun for children and young people is our program of legal graffiti art sites around Canberra, of which there are currently 23. The ACT government recently appointed a graffiti coordinator, who is working with graffiti artists and the community to improve communication with street artists and provide new spaces for legal graffiti practice walls and urban art sites.

It may be of interest to the community to know that Territory and Municipal Services is participating in the 2016 National Youth Week by holding a graffiti activity in Garema Place on Friday. This involves a pop-up legal graffiti cardboard box tower to provide youth and other members of our community with the opportunity to have a "spray" and to learn more about legal practice wall locations.

One of the biggest drivers of being part of our community and enjoying all that it has to offer is the ability to get around. The ACT government understands how important it is for young people in the ACT to have a high level of access to public transport. For many young people in the ACT, it is their only means of travel. Being able to plan and, more importantly, change your plans, is crucial to providing a greater level of access and freedom for young people relying on public transport. To ensure a high level of accessibility, the ACT government has introduced the NXTBUS real-time passenger information system to the ACTION bus network, along with the ability to plan journeys using Google, both of which can be accessed via smart phones.

Unlike my own experiences of public transport, young people trying to get around Canberra are not just stuck on the lines they know and connections at interchanges. Google Maps can give young people integrated transport options that create the fastest route from A to B, whether that is on foot, by bike, by bus or by some combination of the three. Young people are also no longer bound to change at interchanges. A young person coming from Belconnen to Woden may find the fastest route leaving right away sees them changing buses at the ANU or Calvary hospital. These innovations are giving young people more freedom and more options to participate across the city.

Perhaps one area where traditionally the views of young people have not been well listened to is planning. Young people by their very nature are among the biggest users of public spaces in the ACT, so they should be at the forefront of design and planning discussions. At the risk of stating the obvious, young people will be the ones in the future who will inhabit the communities that we design today. I know that my colleague the minister for planning views engagement with young people as an important element of the broader community input in informing key planning policies and projects. In recent times the ACT government has engaged, and will engage in the future, with youth on planning matters, including the statement of planning intent, "Have your say", master plans, and the city and gateway urban renewal strategy.

We have been determined to look at new methods to engage young people. For example, with the statement of planning intent, a "speed debating" workshop was held with younger people on how planning can provide for the urban places they envisage in this city. The preparation of a new master plan for the Calwell group centre involved the engagement of local schoolchildren through an ideas workshop hosted by the master plan team at the Calwell Primary School. Their priorities sometimes conflicted with those of the adults. Kids are more likely to prioritise places to play and informal spaces over shopping and parking facilities, and the addition of their voices added balance to the process.

These are some of the ways we are responding to the needs and ideas of young people to ensure that we have a city that is inclusive and supportive of our younger generations. I am looking forward to meeting with the full diversity of Canberra's young people over the coming months to continue the conversation about how we can help them to prosper, and have some fun as well.

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) (3.45): Let me start by thanking Ms Burch for bringing this important matter to the Assembly today. We know that on most fronts the majority of young people in the ACT are faring well, but we can and will improve our services and programs to build resilience, identify the strengths of our young people and their families and build their capacity to overcome risk factors to development.

Indeed, in many areas for which I am the responsible minister, building this capacity and resilience is the key to supporting the growth of children and young people. Listening to the views of young people and putting their thoughts into action are central to the ACT children and young people commitment 2015-25. This is a whole-of-government public statement about how the ACT government will work with our community to support children and young people.

More than 1½ thousand people provided feedback during the first round of consultations on the commitment. Of those who provided their age, more than one-third were children or young people. From this feedback children and young people told us what they want. They want strong families and communities that are inclusive, supportive and nurturing. They want access to quality health care, learning and employment opportunities. They want to be kept safe and protected from harm. They want implementation of policy that enables conditions for them to thrive. They want advocacy of their rights and they want to be included in decision-making, especially in areas that affect them.

Madam Assistant Speaker, you will notice that two of the areas nominated in the consultation on the commitment as being important to children and young people were strong families with supportive, inclusive communities and being safe from harm. These are two fundamental rights of every citizen, but for children and young people there is a responsibility on our community to uphold these rights. One small but important part of this responsibility is in relation to children and young people

whose families need support to care for them safely at home or those who can no longer live with their birth families. That is why we are investing $38.9 million over four years in the out of home care system, including $16 million in new services and reforms through the implementation of a step up for our kids—one step can make a lifetime of difference.

A step up for our kids was developed in consultation with young people, carers, out of home care agencies and government and non-government providers. We want to make sure that children are given every chance to stay with their families, and, where that is not possible, they have all the support they need to build new lives. Indeed, today I had the opportunity to look at one of the outcomes of this investment when I visited the new site for Karinya House, which is being built with an ACT government investment of $4.45 million. This will allow Karinya House to support more pre and post-natal women who are experiencing parenting issues with their newborns. It is hoped that by providing this increased level of intervention it will allow us and Karinya House to reduce the number of children entering statutory care.

A step up for our kids is emphatically child-focused and recasts services around the needs of the child or young person, placing their voice at the centre of the care system. One way that we are demonstrating our commitment to achieving this focus is through establishing the children and young people engagement support service. In the way that we are able to articulate the voices of young people involved in the youth justice system through the independent roles of the official visitors, similarly, we want young people and children in care to have an independent person they can turn to.

Last month I was able to see how well the role of this independent voice can work, during a trip to the Bimberi Youth Justice Centre for Harmony Day. As well as enjoying a large and very tasty meal prepared by the Pacific Islander staff at Bimberi, I saw how well Narelle Hargreaves, the current Canberra citizen of the year and an official visitor, interacted with the young people. It was clear that she was trusted by the young people and the staff to respectfully listen to their thoughts and raise any concerns that they had. That is why the ACT government initiated these important positions.

Lastly, I would like to talk about our support for children and young people from Aboriginal and Torres Strait Islander communities in the ACT. Our priority here is to encourage and support young Aboriginal and Torres Strait Islander people to fulfil their potential as strong, proud community members and leaders. We want to equip young Aboriginal and Torres Strait Islander people with the skills they need to realise this potential. With more than half of the Aboriginal and Torres Strait Islander population in the ACT under the age of 24, this potential is significant.

That is why, for example, we have invested $1.2 million to expand the growing healthy families program at the Gungahlin, west Belconnen and Tuggeranong child and family centres. This will support engagement, inclusion and access to culturally informed services by the local Aboriginal and Torres Strait Islander community. We also provide a range of grants programs that, although not restricted to young people, support Aboriginal and Torres Strait Islander people in the ACT to undertake study and training scholarships, leadership development and community programs.

We know that all young people are important. That is why this government is ensuring that as a community we have a variety of opportunities and supports that span the diverse needs of the young people that live here.

Discussion concluded.

Smoke-Free Legislation Amendment Bill 2016

Debate resumed.

MR RATTENBURY (Molonglo) (3.51): I will speak briefly to this proactive and sensible bill. The Greens will be supporting the bill before us today primarily as its intention is to reduce the normalisation of smoking in the community and reduce the risk of personal vaporisers acting as a possible pathway to tobacco. The burdens of harmful tobacco use are well established, particularly amongst vulnerable communities, and they extend not just to the smoker but to those around them as well. This is of specific concern to children and young people and something that we in this place should be doing all we can to improve.

I will state up front that while we are awaiting the medical and scientific community to form a consensus on the possible dangers and long-term health impacts of these personal vaporisers, or e-cigarettes as they are also known, most evidence to date seems to indicate that the use has vastly less health impact than traditional tobacco smoking. Early literature reviews and meta-studies also point to their use as a positive tobacco cessation device, and I think it is important to maintain a harm-reduction approach to new and novel substance use that maintains a health focus in this debate, as in many others.

I am pleased to see the ACT taking a measured approach to this new and emerging market with a goal to ensuring that smoking in any form is not being advertised to minors, and that we also continue to offer viable alternatives to support those who wish to quit.

I am also happy to support part 3, which has the effect of prohibiting personal vaporiser use in cars where children under the age of 16 are present. This prohibition will apply whether or not the personal vaporiser contains nicotine, and it sends a strong message that we should not be normalising smoking activities to children.

It is disturbing to see some retailers, general shop outlets and service stations selling these personal vaporisers with sweet flavours and what could be considered young-people-focused marketing. While it is important to acknowledge that these vaporisers and the accompanying juices that are used in them do not contain nicotine, it is not that hard to source the nicotine-containing fluid. The possible connection there is that some young people may be interested in trying the nicotine juice and have easy access to the equipment to use it.

I had some thoughts regarding display of these products—the actual vaporisers and the various components—in over-18-only retail outlets. Considering that it is a

booming market both here and overseas and with each brand often having multiple individual parts, there is some logic in the question as to whether there could be a safe and supervised shopfront for their display. However, as the explanatory statement states, for this reason the definition of a "smoking product" must also include personal vaporiser-related products, as well as personal vaporisers themselves. Otherwise a retailer could lawfully sell all the components of a personal vaporiser to an underage person even though it would be unlawful to sell an already assembled personal vaporiser. On balance, noting the majority of sales are from overseas businesses, I understand why the minister has taken this approach to provide certainty to retailers and the community alike.

This is a very interesting area. It is certainly one where we will see the debate on these matters continue and more detail emerge on the scientific analysis of these products. But in light of the various considerations and the details explained in the bill and the explanatory statement, I will be supporting this bill today.

MR HINDER (Ginninderra) (3.55): I rise to support the Assistant Minister for Health in commending the Smoke-Free Legislation Amendment Bill 2016. The uptake and use of personal vaporisers, including the most common device referred to by most as e-cigarettes, is an evolving frontier in public health protection. There is currently preliminary evidence suggesting potential exposure to harmful substances and uncertainty about the possible long-term health effects of these devices. This bill aims to protect the health of the community and has been written in accordance with the current World Health Organisation and National Health and Medical Research Council recommendations.

As you no doubt know, Madam Assistant Speaker, Australia is party to the World Health Organisation's framework convention on tobacco control. With respect to electronic cigarettes, Australia has committed to achieving the following objectives: prevent initiation, with special attention to youth and vulnerable groups; minimise potential health risks from emissions; prevent the dissemination of unproven health claims; and protect regulation from commercial interests. Through the measures proposed in this bill to restrict sales of personal vaporisers to persons over 18, regulate promotion and sale, and to prohibit use in legislated smoke-free areas, the ACT government can fulfil its international and ethical obligations.

In 2014 over $US3 billion was spent globally on personal vaporisers. It is expected that this figure will rise by a factor of 17 by 2030. It can be expected that the use of personal vaporisers will become increasingly prevalent, and recent studies estimated that 8.4 per cent of the population of New South Wales had already tried an e-cigarette in 2015.

In the interests of public health, the ACT government should act on the issue now, as other Australian jurisdictions have done. The long-term health effects of personal vaporisers are currently unknown. There has been limited independent testing of devices, with results and safety varying significantly between brands. Recent testing conducted by the ACCC showed the vapour emitted by 14 different personal vaporisers purchased in Australia, including some in the ACT, contained a variety of chemicals known to be toxic.

One thing is clear: the substance produced by personal vaporisers is not just water vapour, as often claimed. There is evidence to suggest that personal vaporisers can expose users and bystanders to hazardous chemicals and particulate matter. Until the long-term effects are known, the ACT government has a responsibility to the public to minimise exposure to potential harmful product. There is also a general concern that personal vaporiser usage has the potential to undermine global tobacco control efforts.

Consumer perceptions of the risks and benefits of personal vaporisers have been heavily influenced by the marketing of the products. The journal of the American Heart Association recently published a review of personal vaporiser websites and found that 95 per cent claimed the vaporisers were healthy alternatives to cigarettes. Three-quarters of the websites also advertised that they can be used to circumvent antismoking policies and claimed that no second-hand smoke is produced.

Health claims are often made by manufacturers of personal vaporisers, frequently through representations by medical professionals in advertising. Many sources claim that personal vaporisers provide a pathway for tobacco reduction. However, there is little independent evidence in favour of this, with several studies showing that smokers simply become dual users of personal vaporisers as well as cigarettes.

This bill aims to use the existing legislative framework to regulate the sale and promotion of personal vaporisers in the same way as tobacco. This would restrict in-store and point-of-sale advertising and marketing. Similar to tobacco, this bill will also prohibit supply to children under 18 years of age. It is envisaged that the legislation will inhibit the youth initiation of personal vaporisers and potentially tobacco.

Currently in the ACT it is illegal to sell personal vaporisers containing nicotine under the Medicines, Poisons and Therapeutic Goods Act 2008. However, in a recent community consultation on e-cigarettes, 43 per cent of product users reported that personal vaporisers contained nicotine. It is concerning that personal vaporisers are marketed in a wide variety of flavours, making them particularly appealing to young people. There is preliminary evidence that personal vaporisers can act as a gateway for nicotine addiction in children and adolescents. For this reason it is imperative that we minimise exposure and accessibility, especially to children and young people.

The act of using a personal vaporiser, or vaping, is seen by some as a more socially acceptable way of smoking in public, and vaping is currently not prohibited in smoke-free areas. This bill amends the Smoke-Free Public Places Act 2003 and the Smoke in Cars with Children (Prohibition) Act 2011 to capture personal vaporisers and ban their use in current smoke-free areas. In doing this we are protecting the public, especially children and adolescents, from potential exposure to toxins whilst maintaining efforts to denormalise tobacco use.

Current adult users of personal vaporisers will have continued access to the devices. This bill does not ban personal vaporisers or impose on an adult's right to use these products outside legislated smoke-free areas. Instead it allows continued access while minimising potential harm.

Other Australian jurisdictions have begun to regulate personal vaporisers. As of 1 January 2015 Queensland has prohibited sale to persons under 18, use in smoke-free areas and promotion of e-cigarettes. New South Wales implemented similar legislation in 2015. The South Australian state parliamentary select committee recently released a report into e-cigarettes making 20 recommendations that included banning e-cigarettes in areas where tobacco smoking is banned, preventing the sale of e-cigarettes to people under the age of 18, and banning advertising of e-cigarettes or offering pricing specials or promotions. The government has had the benefit of the review of the effects of legislation in these jurisdictions, and this bill is an opportunity for the ACT government to stand at the forefront of national regulation on these products.

Within the ACT community regulation of e-cigarettes remains a vexed issue. The ACT government undertook community consultation on e-cigarettes in late 2014. The majority of respondents supported further regulation of personal vaporisers in the ACT with a need to regulate access to children, an area of major concern. Public support on this issue was potentially underestimated due to 50 per cent of the respondents reporting that they regularly used e-cigarettes.

The role of government remains the protection of the community until these devices can conclusively be proven to be safe to users and bystanders. The ACT has a proud history of tobacco control to minimise harms to the community. The ACT currently has the lowest smoking rate in Australia with an adult daily smoking rate of 9.9 per cent. This bill will help to protect this progress through incorporating personal vaporisers into current tobacco legislation. Madam Assistant Speaker, I commend the bill to the Assembly.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (4.03), in reply: I am pleased that the Assembly is today debating the Smoke-Free Legislation Amendment Bill, and I thank colleagues in the Assembly for their support of this bill. The intent of the bill is to protect the health of the ACT community from the potential harms associated with personal vaporisers, also known, as members have noted, as electronic cigarettes, e-cigs, electronic nicotine delivery systems and alternative nicotine delivery systems, amongst other names. Passage of this bill will mark important progress in the ACT government's commitment to protect the health of the community, particularly children under the age of 18 years.

The measures outlined in this bill are designed to regulate the sale, use and promotion of personal vaporisers in line with traditional tobacco products. An outright ban on e-cigarettes is not being pursued. The government is aware that a number of Canberrans are using e-cigarettes to support their smoking cessation attempts. Instead the bill represents a prudent and precautionary approach to prevent the widespread uptake of personal vaporisers in the community, including by non-smokers and our youth, while still allowing adults the freedom to purchase personal vaporisers from licensed tobacco sellers.

The measures in the bill also protect against the renormalisation of smoking behaviours in our community. The hard-fought gains made in tobacco control over previous decades have seen the ACT record the lowest rate of adult daily smoking in Australia. The most recent national drug strategy household survey shows that the adult daily smoking rate in the ACT is the lowest of all Australian states and territories, at 9.9 per cent.

Personal vaporisers are devices designed to produce a vapour that the user inhales. Many of these devices use an electronic element to heat liquid to produce vapour and are used in a manner that simulates smoking. The visual, physio sensory and behavioural aspects of personal vaporisers simulate the act of tobacco smoking. Personal vaporiser technology is continually evolving, and there are a wide variety of products on the market that differ in their design, operation and appearance.

Some devices are made to look like tobacco products such as cigarettes or pipes, whereas some resemble everyday items such as pens and lipsticks. Personal vaporisers can either be disposable or reusable. Most devices include a battery, an air flow sensor, an aerosol generator and e-liquid. E-liquids are often flavoured, with thousands of flavours currently available such as tobacco, confectionery, fruit and chocolate. Personal vaporisers may or may not contain nicotine and may or may not be correctly labelled as containing nicotine.

The bill uses the term "personal vaporiser" in order to encompass the breadth of devices currently on the market and allow flexibility to include devices that may emerge in the future as the technology and market evolve. The prevalence of personal vaporiser use in Australia is relatively low when compared to other countries. Data collected from the 2013 national drug strategy household survey showed one in seven, or 14.8 per cent of smokers surveyed, aged 14 or older had used battery operated e-cigarettes in the previous 12 months. Younger smokers were more likely to have used an e-cigarette in the previous 12 months than older smokers—27 per cent for smokers aged 18 to 24 compared with 7.2 per cent for those aged 60 to 69.

The potential risks and benefits of personal vaporisers are the subject of much debate among tobacco control and public health experts. But currently there is insufficient evidence to conclude that personal vaporisers are safe. Although using personal vaporisers may be less harmful than tobacco in terms of exposure to toxic chemicals, they are unlikely to be completely harmless.

Experts are concerned that personal vaporisers may pose health risks to both users and bystanders. Research has indicated that bystanders are passively exposed to vapour exhaled by personal vaporiser users, which can include harmful chemicals and particulate matter. Some personal vaporiser liquids have been reported to contain chemicals such as propylene glycol, glycerol or ethylene glycol, which may form toxic or cancer-causing compounds when vaporised.

These concerns are further compounded by the substantial variation in the components and operation of different personal vaporiser products. Some may contain nicotine and the nicotine content can vary considerably. It is crucial to note that

nicotine can be a dangerous drug, especially during pregnancy and for developing children and adolescents. Cases of acute nicotine poisoning have risen significantly internationally. Nicotine may also play a role in tumour promotion and growth and is being investigated as a possible cancer-causing agent. There is also evidence that flavourings used in e-cigarettes may be harmful to users.

Concern has been expressed about whether personal vaporiser use may be a possible gateway to smoking. A 2014 World Health Organisation report noted that experimentation with e-cigarettes is increasing among adolescents and young adults and is highest amongst those who also smoke tobacco. This is true both in Australia and internationally.

The data currently available on youth personal vaporiser use patterns in Australia shows that dual use of tobacco and personal vaporisers is the most likely scenario as current smokers are also the most likely to be current users. Additionally, the appeal of favoured personal vaporisers to children and young people is of concern, with studies reporting rapid uptake of personal vaporisers among adolescents in countries where they are readily available.

While we know a number of people are using personal vaporisers as an aid to quit smoking, this is to be commended and anything which can be used to assist people to quit smoking should be promoted. However, at this stage there is a lack of definitive evidence regarding the efficacy of personal vaporisers as a smoking cessation aid. Outcomes of smoking cessation research are highly mixed, with some studies reporting increased smoking cessation with personal vaporiser use and others reporting less smoking cessation with use. As a result, the ACT government cannot recommend the use of vaporisers as a cessation device. However, as I noted at the beginning, we are not pursuing an outright ban to allow those who wish to use vaporisers to quit smoking to continue to do so.

Also of concern to the government, personal vaporisers are not subject to the stringent manufacturing and safety controls that apply to therapeutic goods, raising concerns regarding consistent dosage, accuracy of labelling and quality control. Noting these concerns and lack of definitive long-term evidence, both the World Health Organisation and the Australian National Health and Medical Research Council have recommended that health authorities act to minimise potential harm from personal vaporiser use until further evidence of safety, quality and efficacy can be proven.

To date two Australian states have enacted specific legislation to regulate personal vaporisers. As of 1 January 2015 laws took effect in Queensland that include personal vaporisers as smoking products in existing tobacco control laws. On 24 June 2015 a bill to amend the Public Health (Tobacco) Act 2008 in New South Wales was passed, placing restrictions on the sale to minors, display and advertising of e-cigarettes. Additionally, Western Australian tobacco law currently bans the sale of any food, toy or other product that is designed to resemble a tobacco product, including e-cigarettes. With the passage of this bill today the ACT will become the fourth Australian jurisdiction to directly regulate personal vaporisers.

The Standing Committee on Justice and Community Safety made several comments when reviewing the bill. I thank the chair of the standing committee for the rigorous oversight provided, and I have responded to the chair of the standing committee to address each comment. The committee recommended that the explanatory statement better clarify the breadth of personal vaporisers available and the application of the bill to personal vaporisers that do and do not contain nicotine. The explanatory statement has been amended to provide clarification on these matters, and I table this revised explanatory statement now.

The standing committee raised concerns that the definition of "personal vaporiser" in the bill could inadvertently capture devices that promote health and/or alleviate or prevent harms to health, raising human rights concerns. I would like to assure the committee and the chamber that the definition is appropriate and has been drafted based on advice from the Parliamentary Counsel's Office and with regard to the application of the commonwealth Therapeutic Goods Act 1989. The definition excludes goods that are included in the Australian register of therapeutic goods, thereby excluding all therapeutic goods, therapeutic devices and medical devices. As such, the human rights issues about which the committee expressed concern are not impacted.

In addition, proposed new section 3B(2)(d) in the bill provides an additional safeguard to ensure that the definition will not prevent access to such health devices. This section enables a regulation under the Tobacco and Other Smoking Products Act 1927 to explicitly exclude products that are not intended to be regulated as personal vaporisers if needed. This allows assessment on a case-by-case basis and provides clarity to consumers and industry if needed.

Finally, the standing committee suggested that human rights could be better protected if the definition were restricted to devices that contain nicotine. It should be noted that the provisions in the bill apply to all personal vaporisers irrespective of whether they contain nicotine. Any limitations to human rights are considered reasonable and proportionate given the aim of preventing health harm from personal vaporiser use and exposure. Again, I thank the standing committee for its consideration and comments on the bill and wish to advise the Assembly that no changes or amendments to the legislation are warranted at this time.

This new legislation represents a prudent and precautionary approach that aligns with the ACT government's commitment to achieve a healthy environment and community. The legislation aims to limit the widespread uptake of personal vaporisers, including by non-smokers, children and young people, while still allowing adults the freedom to purchase and use nicotine personal vaporisers in non-smoke-free areas. I am proud to say that this bill will enable a healthier Canberra and for future generations to come. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

> That the Assembly do now adjourn.

The Assembly adjourned at 4.16 pm.