Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

7 JUNE 2016

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Tuesday, 7 June 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 owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petition
Ministerial response

The Clerk: The following response to a petition has been lodged by a minister:

By **Mr Barr**, Chief Minister, dated 6 June 2016—Response to e-petition No 14-15, lodged by Dr Bourke on 5 April 2016, concerning the ACT coat of arms.

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

Coat of arms—petition No 14-15

The response read as follows:

> This issue is raised with the ACT Government intermittently. The ACT Government's response has been consistent that changes to civic symbols are the result of strong community sentiment for change and before any change was made there would need to be significant community engagement.
>
> The ACT community voted strongly for Australia to become a Republic in the 1999 Referendum and should this come to pass, it would be an opportune time to change our civic symbols.
>
> I welcome the approach by the community and understand there are those who feel strongly about a change to our city's Coat of Arms. I look forward to further public discussion on this issue.

Papers

The Clerk presented the following papers:

> Former Brumbies Site—Lease Variation Charge Waiver—Copy of—
>
> Index of returned documents.
>
> Valuation Report—Block 15 Section 42 Griffith, ACT, dated 18 July 2012—Prepared by Colliers International for presentation to ACT Planning and Land Authority.
>
> Brumbies—B15 S42 Griffith—Update—Email to Khalid Ahmed from Charlotte Miles, Policy Analyst, Treasury Directorate, dated 6 August 2012.
>
> Support for Brumbies—Waiver of Lease Variation Charge—Block 15 Section 42 Griffith—Minute to the Treasurer from Khalid Ahmed, Executive Director, Policy Coordination and Development Division, Treasury, dated 6 September 2012.

Letter to Mr Andrew Fagan, CEO, Brumbies Rugby, from Andrew Barr MLA, Treasurer, dated 7 September 2012.

Lease Variation Charge Assessment—Review—Letter to the Manager, Leasing and Building Services Branch, ACT Planning and Land Authority, from Ross Stevens, Regional Manager, Australian Valuation Office, ACT Region, Australian Taxation Office, dated 23 April 2013.

DA No. 201222226—Block 15 Section 42 Griffith—Lease Variation Charge determination—Brief to the Executive Director, Planning Delivery Division and Senior Manager, Lease Administration, from Sue Messer, Manager, DA Leasing, Environment and Sustainable Development Directorate, dated 2 May 2013.

Block 15 Section 42 Griffith—DA No. 201222226—Letter to Mr Kim Salisbury, ACT Commissioner for Revenue from Jim Corrigan, Executive Director, Planning Delivery Division, Environment and Sustainable Development Directorate, dated 2 May 2013.

Notice of Assessment—Lease Variation Charge—Block 15 Section 42 Griffith—Development Application No. 201222226—Letter to Mr Andrew Fagan, Australian Capital Territory & Southern New South Wales Rugby Union Limited, from Kim Salisbury, Commissioner for Revenue, Environment and Sustainable Development Directorate, undated.

Change of Use Charge Waiver—Letter to Mr Andrew Barr MLA, Deputy Chief Minister, from Andrew Fagan, Chief Executive, Brumbies Rugby, dated 13 May 2013.

Change in Use Charge Waiver—Brumbies Rugby—Minute to the Treasurer from Karen Doran, Executive Director, Investment & Economics Division, Chief Minister and Treasury Directorate, dated 23 May 2013.

Block 15 Section 42 Griffith—Development Application No. 201222226—Letter to Mr Andrew Fagan, Australian Capital Territory & Southern New South Wales Rugby Union Limited, from Maggie Chapman, Senior Manager, Lease Administration, Planning Delivery Division, Environment and Sustainable Development Directorate, dated 2 May 2013.

Letter to Mr Andrew Fagan, CEO, Brumbies Rugby, from the Treasurer, dated 30 May 2013.

Instrument of Waiver under Section 131(1)(a) of the *Financial Management Act 1996*, dated 30 May 2013.

Justice and Community Safety—Standing Committee
Scrutiny report 45

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

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 45, dated 31 May 2016, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 45 contains the committee's comments on 16 bills, one piece of subordinate legislation and six government responses. It also includes comment on the proposed government amendment to the Justice and Community Safety Legislation Amendment Bill 2016. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Leave of absence

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

> That leave of absence be granted to Ms Burch for this sitting week for family reasons.

Administration and Procedure—Standing Committee
Membership

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

> That, notwithstanding the provisions of standing order 16, Ms Burch be discharged from the Standing Committee on Administration and Procedure for its meeting on 7 June 2016 and that Mr Hinder be appointed in her place.

Standing and temporary orders—suspension

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

> That so much of the standing orders be suspended as would prevent:
>
> (1) any business before the Assembly at 3 pm this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2016-2017, the Appropriation (Office of the Legislative Assembly) Bill 2016-2017 and associated legislation;
>
> (2) (a) questions without notice concluding at the time of interruption; or
>
> (b) debate on any motion before the Assembly at the time of interruption being adjourned until the adjournment questions in relation to the Appropriation Bill 2016-2017, the Appropriation (Office of the Legislative Assembly) Bill 2016-2017 and associated legislation are determined;
>
> (3) at 3 pm on Thursday, 9 June 2016, the order of the day for resumption of debate on the question that the Appropriation Bill 2016-2017 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limits on the speech of the Leader of the Opposition and the ACT Greens member be equivalent to the time taken by the Treasurer in moving the motion "That this Bill be agreed to in principle"; and
>
> (4) (a) questions without notice concluding at the time of interruption; or
>
> (b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

Family Violence Bill 2016

Mr Corbell, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.06): I move:

> That this bill be agreed to in principle.

I am pleased to present the Family Violence Bill 2016. This bill makes important changes to further strengthen the government's and the community's response to domestic and family violence, including sexual assault. Preventing domestic and family violence is, and continues to be, a high priority for this government. The government is working very closely with the Domestic Violence Prevention Council and other key government and community organisations to better respond to this form of violence.

Data from the Australian National Research Organisation for Women's Safety, or ANROWS as they are known, shows that one in four women experience domestic and family violence in Australia every year. Of those affected, 73 per cent of women experience more than one incident of violence. Domestic and family violence is a top risk factor for death, disability and illness, and almost 70 per cent of women murdered in Australia are victims of domestic or family violence.

Domestic, family and sexual violence is a reality and the government is determined to tackle it head on. In May last year the Australian Institute of Criminology found that, despite the national rate of homicide declining, two in every five homicide victims are killed by a family member. Up to 88 per cent of those deaths occurred within the victim's home.

Domestic and family violence, including sexual violence, can no longer be ignored or excused. It might often happen behind closed doors, but it causes enduring damage to individuals and impacts on society as a whole. It is everyone's responsibility to help guard against this insidious type of violence. To some extent, all of the amendments contained in this bill engage and limit the right to family of a person accused of domestic or family violence, while supporting the right to protection from torture and cruel, inhuman or degrading treatment for victims.

This bill balances the rights of family violence perpetrators with the fundamental human rights of their victims, who are often women, children or other family members. While gender-based violence, including domestic violence, cannot be eliminated through law reform alone, legal measures are an essential component of any response to domestic and family violence.

This bill therefore establishes the legal framework for the protection of people from domestic, family and sexual violence by implementing 22 key recommendations made in the report of the Australian Law Reform Commission and New South Wales Law Reform Commission titled *Family violence—a national legal response*. The reforms progressed in the bill include expanding the definition of family violence and preventing a self-represented respondent from personally cross-examining an applicant for a family violence order. The bill also implements the scheme for national recognition of family violence orders.

The bill expands the definition of family violence to expressly include a broader range of behaviours, including emotional, psychological and economic abuse. The inclusion of these behaviours in the definition is consistent with the ACT government's commitment to reduce and prevent family violence in our community. This definition covers commonly acknowledged forms of family violence and reflects well-established research into the nature of it.

Allowing self-represented respondents to personally cross-examine the person they are alleged to have committed violence against risks the re-victimisation of the person affected by that violence. Giving evidence can be intimidating and distressing and if the victim has to face cross-examination from the person alleged to have used violence against them, they are, we know, often discouraged from applying for an order. This bill prevents self-represented respondents from cross-examining applicants themselves.

Importantly, the bill implements recommendation 26-6 of the ALRC report by allowing police interviews with an adult victim of sexual assault to be used as evidence-in-chief in a criminal trial. This will bring evidence law into line with the approach already taken in relation to victims who are under the age of 18 years. The amendments in the bill will not limit the right of an accused to examine witnesses or adduce evidence for their own submissions.

The bill also includes after-hours orders which have been modelled on the emergency orders currently available under the Domestic Violence and Protection Orders Act 2008. The grounds for making an after-hours order have been updated to ensure language is consistent across the bill and to provide clarity about when the orders should be available.

The new after-hours orders will ensure that police and the courts can put in place appropriate measures to protect the safety of the affected person or prevent substantial damage to their property, particularly where an arrest for a family violence offence cannot be made.

This bill therefore builds on the work currently being completed at a national level to improve responses to family violence. On 11 December last year the Council of Australian Governments agreed to introduce a national domestic violence order scheme to allow domestic violence orders issued in one jurisdiction to be automatically registered and enforced in all of the others. The bill introduces the model domestic violence order scheme laws agreed to by COAG to facilitate this new national scheme.

The bill repeals the Domestic Violence and Protection Order Act 2008 and anticipates the remaking of personal and workplace protection provisions in a consequential Personal Violence Bill 2016. As a result of the close interaction between this bill and its consequential bill, both bills will preferably need to be debated cognately.

The bill will improve the ACT justice system's response to domestic and family violence by working towards a seamless legal framework for those who engage with it and by improving access to justice for victims. The bill and its consequential bill provide for a fair and just legal response to family violence by recognising that those who use family violence must be held accountable for their actions and to offer more effective support and interventions to their victims. I commend the bill to the Assembly.

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

Personal Violence Bill 2016

Mr Corbell, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.15): I move:

> That this bill be agreed to in principle.

I am pleased to present the Personal Violence Bill 2016. This bill provides a scheme for personal violence and workplace violence orders similar to the scheme currently available under the Domestic Violence and Protection Orders Act 2008. Personal violence and workplace violence orders provide legally enforceable mechanisms to facilitate the safety and protection of people who fear or experience personal violence other than family violence.

Personal violence is defined in the bill to include physical violence, sexual violence, stalking, damaging property and threatening, harassing, intimidating and offensive behaviour. Personal violence is perpetrated by someone other than a family member as defined under the Family Violence Bill. The bill incorporates consequential amendments arising from the introduction of the Family Violence Bill 2016 which I have just presented and which, if passed, will repeal the Domestic Violence and Protection Orders Act 2008.

The bill updates terminology and processes to ensure consistency with the Family Violence Bill 2016 where these are appropriate. The bill also introduces amendments to firearms licences to remove inconsistencies between the Firearms Act 1996 and the Domestic Violence and Protection Orders Act. These amendments align with the

Supreme Court's recommendation in the case of Singh v Registrar of Firearms 2015 to clarify the consequences of a protection order being made against the holder of a firearms licence. I commend this bill to the Assembly.

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

Waste Management and Resource Recovery Bill 2016

Ms Fitzharris, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (10.17): I move:

> That this bill be agreed to in principle.

I am pleased today to present the Waste Management and Resource Recovery Bill 2016. This bill will repeal and replace the Waste Minimisation Act 2001 and is designed to serve Canberrans well into the future. Waste management practices and technology have changed significantly in the 15 years since the Waste Minimisation Act was passed. Many things have changed in the ACT since the act was introduced, and it is now inadequate to effectively regulate waste activity in the ACT.

To appreciate the need for reform in waste regulation, we need to understand the policy objectives on which our community's expectations are based. The performance objectives for waste management in the ACT are outlined in the ACT waste management strategy 2011-25.

This strategy is the guiding document for developing solutions to waste issues in the ACT. It sets ambitious targets to be achieved through 29 strategies seeking four key outcomes: reduced waste generation; full resource recovery, that is, recovery of everything that can be recovered; a clean environment; and a carbon neutral waste sector.

So far the ACT has been a strong performer in waste management. However, the ACT Auditor-General's 2012 performance audit report on *Management of recycling estates and e-waste* found there was room for improvement. The targets set in the waste management strategy are challenging. It is a responsibility and a commitment of this government to review and innovate as each opportunity arises, to ensure that waste generation falls and continues to fall. We want to see more resources recovered and reused and protect our environment from the impact of our waste activity.

The changes introduced in 2001, through the Waste Minimisation Act, marked the ACT's first significant move in the direction of strategic waste management. The ACT's capacity to meet its waste policy objectives has, however, been influenced by a number of factors since, such as pressure on the capacity of our landfill facilities, an increase in population and the physical expansion of Canberra, rapidly changing

waste management and resource recovery technology, and shifting markets for recyclables.

The waste management strategy and the Auditor-General's report indicated a need for a more effective management and regulation of waste to meet our changing needs and expectations. Challenges to the ACT's ability to meet waste reduction and resource recovery targets are evident in a number of areas, in particular: stockpiling of waste hoppers and waste materials, such as timber, tyres and mixed waste, is difficult to control under current legislation, and can create environmental, fire and health risks; approximately 30,000 tonnes per annum of general waste is taken from the ACT to the Woodlawn treatment facility in New South Wales, beyond the regulatory reach of the ACT; there is only a limited power to give directions about waste activities. For example, directing that waste be taken to a particular facility can only be done in emergency situations.

To examine and address these challenges, the ACT waste feasibility study was established in August 2015. The study addresses the need for a comprehensive approach to waste management reform. The study's program is wideranging, and is reviewing all aspects of the processes and services relating to waste, recycling and reuse. It is revising baseline waste data to establish a new benchmark for waste measurement and reporting and will include a comprehensive analysis of various options for improving resource recovery in the ACT.

The waste feasibility study is the most extensive and thorough review of waste-related activities in recent years and will assist in procuring infrastructure and establishing frameworks, programs and systems to enable the ACT to meet the resource recovery targets in the waste management strategy.

For those reforms to be implemented there must first be an effective, simple statutory framework for managing waste activity; not replicating or encroaching on the environment protection role of the EPA, but providing a comprehensive set of regulatory tools for guiding behaviour within industry and the broader community. That is why this legislation will require members of the waste industry to provide waste activity data to government agencies so that quantities, types and destination of waste can be better understood. This bill has been drafted to avoid some of the complexity of legislation in larger states, the objective being to have a light touch regulatory framework for waste management.

Madam Speaker, this bill establishes a structure for managing waste activity. It then incorporates a suite of regulatory tools commonly found in this type of legislation. The waste manager will have power to issue directions in some circumstances. Operators of landfill, recycling or storage facilities will be required to hold a licence under this legislation. Businesses that collect and transport waste for reward will not have to be licensed, but they will need to be registered.

The processes for licensing and registering operators will be kept as simple and inexpensive as possible. A person's licence or registration may be cancelled or suspended for breach of the act. This will help minimise the involvement of unscrupulous operators. Waste facility operators and transporters will be required to provide regular reports to the government about their waste activities.

To manage waste activity in a way that encourages recycling and recovery, while discouraging the sending of waste to landfill, we must have an understanding of where waste is being generated and where it is going. Regulations will outline a simple, easy process for providing waste activity reports. The content of reports may become more sophisticated over time as technology and business practices allow. In the short term, however, the burden of this requirement will be kept to a minimum. This has all been worked through in consultation with businesses and the community.

It is proposed that, initially, transporters will be required to report only the date of waste collection, the collection customer and place, the broad type and quantity—that is, weight, volume or skip size—of the waste collected, and the date and place of delivery. This allows a basic, light touch approach so that valuable waste activity data can be obtained and analysed with a low impact on industry and the community.

The bill provides for enforceable codes of practice about any waste activity, which can include waste generation. For example, there may be a code about retail packaging or transporting clinical waste. There will be stronger enforcement and offence provisions, reinforcing the intention of this legislation to encourage appropriate activity while discouraging activities such as illegal dumping and excessive stockpiling of waste.

As I said, the bill includes the light touch enforcement option of enforceable undertakings, which will allow a waste operator to offer to take action to address an alleged breach of the act or a licence as an alternative to prosecution. There are some activities or people who should be excluded from the operation of particular aspects of the new legislation. The bill needs to provide this flexibility in a rapidly changing policy and operational environment. For example, the transportation of soils will be temporarily exempted from reporting requirements while more is learned about this area of activity.

The bill includes standard provisions for authorised officers to enter and search premises for investigative and enforcement purposes. While I note that the vast majority of waste operators are corporate entities, care will be taken to ensure that privacy and commercial confidentiality are protected, as they are now.

I must stress that this bill is designed to initially establish a process for formally recognising operators of facilities and commercial transporters and for generating a reliable database for waste activity.

Over time, waste charges will increasingly be aimed at sending effective price signals to industry and the community, to encourage the diversion of waste away from landfill and into recycling and recovery. This will be good for our environment and reduce our waste. I must also stress that this legislation is aimed primarily at commercial activity. The impact of the bill on everyday domestic waste collections will be negligible.

I wish to clarify a few other aspects of this bill: it deliberately targets regulation of the collection and treatment of waste, rather than waste generation, because those are the

activities that can be directly measured and regulated. The law will apply to waste activity within the ACT, including transportation, regardless of whether the waste was generated within or outside the ACT, that is, there will be no regulatory advantage or disadvantage from transporting waste into or out of the ACT.

While waste may only be taken to a suitable facility, we cannot legally determine what is suitable outside our borders. Agencies will pursue the possibility of an agreement with New South Wales in relation to the use of facilities and the exchange of activity data.

Efforts to encourage higher levels of recycling and reuse will, to an extent, rely on innovation in waste treatment and resource recovery facilities. Acknowledging this, the bill is designed to accommodate and encourage change. Regulations will include powers for the waste manager to direct owners of commercial and multi-unit developments to properly provide for storage and collection of waste. This will, among other things, help to ensure that commercial and residential laneways are not unsightly, dangerous or unhealthy.

Consultation on this legislation has been extensive. It commenced in December 2014 when industry representatives were approached for their initial views on how the waste industry should be regulated.

The ACT waste feasibility study set up a number of industry, community and expert forums to discuss the proposed legislation and the broader issues relating to waste management in the ACT. Those discussions guided the drafting of this bill, which was released for public discussion early in November 2015.

The bill I present today reflects the valuable contribution made by people who engaged in those discussions. I wish to acknowledge the involvement of industry and community participants and the contribution of directorate officers to the development of policy arguments and the drafting of the bill.

This legislation represents the waste feasibility study's first suite of waste reform recommendations to the government. It brings the ACT's statutory framework to the point at which change can be introduced and managed into the future. I urge members to support this bill and what it aims to achieve: a cleaner, greener livable city. I commend the bill to the Assembly.

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

Planning, Environment and Territory and Municipal Services—Standing Committee

Proposed reference

MR COE (Ginninderra) (10.28): Pursuant to standing order 174, I move:

> That the Waste Management and Resource Recovery Bill 2016 be referred to the Standing Committee on Planning, Environment and Territory and Municipal Services for inquiry and report.

Briefly, I believe this is the sort of bill the planning and territory and municipal services committee was constituted to look into. If you have a standing order such as 174, which allows for the referral of bills, what is that standing order for if not for a holistic review by way of legislation as to how waste is managed in the territory? I do not think it is appropriate that we should simply move to a vote on this at the next sitting in August simply because it is perhaps being rushed through at the end of this term. This is, of course, a very significant issue on which I think the ACT has a proud history.

Of course, the minister has just read that the four key outcomes include reducing waste generation, full resource recovery, a clean environment, and a carbon neutral waste sector. These are all worthy aims, and I think it is incumbent upon all of us to make sure that the bill is, indeed, putting us on a trajectory to meet those key outcomes. Therefore I think the planning and territory and municipal services committee would be very well placed to look into this sort of issue and this particular legislation.

I close by simply saying what I have already said: what is the point of having a planning and territory and municipal services committee if it is not to look at legislation such as this?

MR RATTENBURY (Molonglo) (10.31): Mr Coe has given us quite an esoteric speech on the purpose of the committee, and I thank him for that. But what was not clear—and I invite Mr Coe to address this in his closing remarks—was his expectation of the time frame for this committee. This legislation has been under development for some considerable time. It has involved extensive consultation with a range of stakeholders in the sector. Of course, Mr Coe is not privy to that and it is perfectly reasonable that he is not aware of that. But to suggest that this should not be done in the period of this term ignores the fact that extensive work has been done over an extended period by Territory and Municipal Services and the Environment and Planning Directorate staff who work on waste policy.

I think it would be useful if Mr Coe could give us an indication of the time frame he expects on this. I think it is reasonable for the committee to have a look at this legislation, but I do not think that necessarily means that it should not be dealt with in this term. That might be a point of discussion and negotiation amongst colleagues to ensure that it can be dealt with during this Assembly.

MR COE (Ginninderra) (10.32), in reply: I would be happy to have a reporting date of perhaps the first sitting day in August. That would be appropriate; or, indeed, to table a report out of session in late July. Given that an extensive industry has developed in this space, especially in recent years but really over the past 20 or so, I think it would be doing justice to this issue if members of the Assembly could hear from people in the industry to get their views. Despite the fact the minister has said that the agency has already consulted, as part of our due diligence as an Assembly I think it would be a good process to go down.

MADAM SPEAKER: Mr Coe has closed the debate, so I cannot call Mr Gentleman, who is seeking the call. However, I need some clarification. Do you propose to amend your motion, Mr Coe, to put in a reporting date? I know we are doing this without leave and we do not have anything in front of us.

MR COE: Madam Speaker, I would be happy to amend the motion, or just give an undertaking that the committee would be well placed—

MADAM SPEAKER: I suggest that somebody might like to adjourn this to a later hour this day so we actually have a piece of paper in front of us.

Debate (on motion by **Mr Corbell**) adjourned to a later hour this day.

Workers Compensation Amendment Bill 2016

Debate resumed from 3 May 2016, on motion by **Mr Gentleman**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.34): Madam Speaker, the Opposition will be supporting this bill. I think we all understand the historical consequences of the use of asbestos in this country and around the world. Given the long gestation period and latency of the illnesses, often it is many years after people have left employment, or indeed have retired, before asbestos-related diseases become apparent. They can often have a quick onset and are terminal very quickly.

What this bill seeks to do is—where an individual is believed to have an illness that will cause the end of life within two years—to provide that the claim will be handled by the default insurance fund. It includes an up-front payment to assist in that very difficult period for these workers as well as allowing the fast-tracking of asbestos claims.

The government has done some work with New South Wales to see how they handle this. There is difficulty in that most workers comp policies only cover the period when the person is employed and the disease or the illness becomes apparent in that period. Of course, where these sorts of diseases become apparent many years later, the worker is not eligible for coverage by the policy.

What will happen is that the default insurance fund will take on this responsibility. The up-front payment will be $100,000, indexed by CPI. What we will see then is an increase to the DIF levy, which will go up from 1.5 to three per cent. I think we all appreciate that that will be passed on through the policies, but I think in this case we can all agree that, given the severity of these diseases and the high mortality rate, this is an appropriate stance. We will be supporting the bill.

MR RATTENBURY (Molonglo) (10.37): The Greens support the change proposed in this bill. The bill will correct a problem in the Workers Compensation Act in that it does not allow workers suffering from asbestos-caused diseases to receive lump sum compensation for permanent impairment.

As Minister Gentleman pointed out when he introduced the bill, under the current arrangements, people who cannot access lump sum payments are only able to receive benefits for medical and income support. This is not a tolerable situation and it leads people affected by asbestos-related diseases to pursue common law actions for compensation. This is an expensive and difficult process. Battling through the adversarial and complex maze of the court system is not how a person wants to spend what could well be their final days.

The bill remedies this unsatisfactory situation by allowing for a no-fault statutory lump sum payment for ACT workers affected by asbestos related disease contracted through their work. People suffering from an imminently fatal asbestos disease can access a lump sum of 100 per cent of the statutory amount, or the maximum amount payable, which removes the need for the person to seek legal advice and negotiate.

Essentially the bill recognises the seriousness of asbestos-related diseases and it removes obstacles to people accessing compensation when they are affected by such a disease related to their workplace.

The bill will also assist people suffering from asbestos-related diseases by modifying the default insurance fund claimant arrangements so that liability for statutory workers compensation claims for imminently fatal asbestos diseases may be accepted and paid without first requiring a claimant to pursue other parties.

This is an approach used in other parts of Australia, and it will provide some relief to ACT residents suffering asbestos-related diseases, and their families. The simple outcome is that if a worker has a short life expectancy, they are more likely to have their claims processed quickly and receive their payment.

Members may recall that in recent months we have discussed the lifetime care and support scheme that operates in the ACT. That scheme typically does not provide lump sum payments, because they can lead to poor health outcomes and are subject to the uncertainty of predicting an injured person's lifetime care needs. There are, however, some situations where it is appropriate to provide lump sums to injured workers. It is appropriate where a person is suffering from an asbestos-related disease, as these tend to be terminal illnesses. For this reason, and the reasons that I have already discussed, I think lump sums are appropriate here.

In summary, I think this bill makes very positive amendments designed to assist people who are suffering from asbestos-related diseases. The amendments we pass today will make a terrible situation just a little easier for people who are already suffering illness, and they are important and valuable changes.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (10.40), in reply: I thank members for their input and their support for the Workers Compensation Amendment Bill 2016. This is an important bill which has been designed to increase the amount of compensation available to people with asbestos-related disease and also make the process of accessing compensation simpler, faster and fairer.

It is safe to say that Australia has one of the highest rates of asbestos-related disease, including mesothelioma, asbestosis and lung cancer, found anywhere in the world. The most recent report from the Australian mesothelioma registry shows that it received 641 notifications of people newly diagnosed in Australia between 1 January and 31 December 2014.

Tragically, there is no cure for mesothelioma, and the progression of the disease is rapid. The average life expectancy from point of diagnosis is nine months. Even with aggressive treatment, few people survive longer than two years. These figures do not include the terrible stress, anguish and mental health issues that arise from diagnosis for both the people exposed and their loved ones.

This government has taken decisive action to protect the community from asbestos exposure. As the Minister for Workplace Safety and Industrial Relations, I have stood as a spokesman for the government's firm stance on asbestos safety. This government has responded to the safety threats posed by asbestos through forward-thinking policies targeting the prevention of exposure in both the home and the workplace.

In 2014 our dangerous substances safety reform package legislated the most stringent asbestos safety laws and licensing arrangements in the country. By way of example, we have mandated an asbestos awareness training course for workers who carry out or may carry out work involving asbestos. Importantly, the requirement for this training extends beyond the construction industry. Workers such as pest controllers, building inspectors, telecommunications technicians and other tradespeople who may work in close proximity to materials containing asbestos must be trained. To date more than 15,000 people have attended this training. We have also provided information to assist tradespeople and home owners in understanding their duties and the risks associated with asbestos.

Today we turn to the sad reality that, despite these issues, and due to latency, instances of asbestos-related disease will continue to periodically arise for the foreseeable future. With this in mind, we must ensure that there is an adequate safety net of care and support for those in our community suffering from asbestos-related diseases arising from their employment.

Today, we are listening to debate on the bill that will modernise the territory's private sector workers compensation scheme as it applies to asbestos diseases. It is a bill to ensure that those in our community who are suffering from the end stages of asbestos-related disease contracted due to their employment can easily and effectively access enhanced statutory workers compensation services.

The latency period between time of exposure to asbestos and diagnosis can be 20 to 40 years. In some cases it can be longer. It is this lag in time which leaves the current workers compensation framework unable to respond with the necessary efficiency and ease for workers.

Workers compensation insurance policies obtained under the Workers Compensation Act 1951 indemnify the employer only against injuries and diseases that arise during

the time during which the policy is in force. In practice, while a worker may be exposed to asbestos during the period covered by a workers compensation insurance policy, a resultant asbestos-related disease may not manifest until many years after the insurance policy in question has expired. As a result, an injured worker with an asbestos-related disease will often be treated as an uninsured claim and consequently be managed by the safety net insurer, the default insurance fund.

The default insurance fund is a fund of last resort, designed to capture workers compensation claims for which another party will not respond. The default insurance fund will respond to claims in situations where an insured worker cannot seek compensation from any other source: those times where the worker's employer fails to hold a workers compensation policy or where the employer's insurer has collapsed and cannot meet its liabilities.

Importantly, the rules under which the fund operates require those seeking compensation to exhaust all other possible avenues of claim before seeking compensation through it. It is only once all other avenues of compensation have been exhausted that the injured worker can seek statutory compensation from the default insurance fund. While these arrangements are appropriate for general injury claims, in the case of advanced asbestos-related disease they will usually lead to a lengthy and stressful process that may not be finalised until after a worker has passed away. It is imperative that we improve access to workers compensation benefits for these individuals and fast-track the claims process to insure prompt determination and payment of their statutory entitlements. The Workers Compensation Amendment Bill 2016 answers this imperative.

Firstly, the bill amends the workers compensation framework to allow for those individuals suffering from an imminently fatal asbestos-related disease to submit a claim for a statutory compensation directly to the default insurance fund. By making the default insurance fund the insurer of first resort for imminently fatal asbestos-related diseases, statutory workers compensation claims can be processed promptly and benefits paid in a timely manner. Workers will access timely statutory entitlements such as medical treatment, weekly compensation for any loss of earnings, rehabilitation expenses and home modifications. They will have their choice of treatment providers, reduced waiting times for treatment, and reduced reliance on the Medicare scheme.

In addition, under the amendments introduced by the bill, affected territory workers will, for the first time, be eligible for lump sum statutory compensation of approximately $140,000 in recognition of the permanent impact of their disease. This lump sum is clear of all other statutory entitlements, and the amount is equivalent to the most severe single injury or disease recognised by the workers compensation system. This amendment rightly and justly ensures equity in terms of the statutory compensation available to the most seriously injured and ill workers living in our community.

The families of those workers who ultimately pass away as a result of this terrible illness will continue to have access to compensation related to the death in the form of a lump sum payment and compensation for funeral expenses.

The government recognises that there is a cost that must be borne in order to increase compensation and in modernising the scheme as it applies to asbestos disease. The levy paid by employers to cover the cost of uninsured claims administered by the default insurance fund will increase once these changes commence next year.

Under the current scheme, the default insurance fund can only seek recovery of the cost of meeting compensation claims from other ACT employers. Recovery may be sought in situations where a worker may have been exposed to asbestos while working for multiple employers or on a building site controlled by a third party. However, this contribution can only be obtained from parties other than ACT employers such as a product manufacturer or interstate employers through the common law process, which can be time consuming and expensive.

To ensure that the impact of funding imminently fatal asbestos-related disease claims through the default insurance fund is kept to an absolute minimum, these legislative changes will allow the default insurance fund to seek contribution or recovery from all other parties without having to pursue common law action. All moneys that are recovered by the default insurance fund will be offset against any further liability.

In considering the implications of the passage of this bill, I implore the members of this Assembly to be guided by the interests of equity and the importance of ensuring the prompt and timely provision of statutory support for injured workers. Madam Speaker, I strongly support the passage of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ACT Civil and Administrative Tribunal Amendment Bill 2016 (No 2)

Debate resumed from 5 May 2016, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (10.49): Madam Speaker, we will be supporting this bill in principle. It makes a number of amendments resulting from the 2015 restructure of the presidential positions at the ACAT. Any action the government takes that is reasonable to increase justice for the ACT community we will support and, indeed, have supported. This bill certainly appears to make sense and has an intent that hopefully will result in increased access to justice.

In summary, the bill makes a number of amendments: it changes the requirements of appointment as president of ACAT; it requires that a person appointed as the president

be either a magistrate or eligible for appointment as a magistrate; it balances the need to keep the ACAT accessible and informal whilst also reflecting the standing of the position of president as the head of the jurisdiction in the ACT; and it gives exclusive jurisdiction to the ACAT to hear and determine civil disputes for claims of $25,000 or less, which is an increase from the current $10,000 limit. I note that the civil dispute jurisdiction of ACAT has not changed since the inception of the ACAT in 2009. Prior to this, a $10,000 jurisdiction had been in place for the Small Claims Court since 1997.

The bill also contains a number of transitional provisions, including to provide that the current general president is taken to be appointed as the president of the tribunal until the end of their term and to ensure that existing proceedings before the Magistrates Court for an amount that is more than $10,000 and less than $25,000 can be transferred to the ACAT on application by a party to the proceeding and providing a hearing has not begun.

There has been some comment from the Law Society, and they urged that consideration be given to the tribunal being able to award costs. Currently the tribunal is a no-costs jurisdiction. I think that might be something worth looking at in due course. This bill seems to be a logical step forward to reflect the good work the ACAT has been doing, and we will be supporting the bill.

MR RATTENBURY (Molonglo) (10.52): This bill reforms the operation of the ACT Civil and Administrative Tribunal—or ACAT as it is commonly known—in two key ways. Firstly, it increases the civil disputes jurisdiction of the court from $10,000 to $25,000 and, secondly, it changes the appointment requirements for the president of ACAT. To be appointed as president, a person will need to be a magistrate or eligible for appointment as a magistrate.

The government proposed these reforms to the community via a discussion paper and received considerable feedback from stakeholders, primarily from the legal community. My office and I have also had discussions with stakeholders about the reforms, including with Legal Aid, Canberra Community Law, the Bar Association and the Law Society. It would be fair to say that there was not universal agreement, for example, different stakeholders had different views on what was the appropriate monetary limit for ACAT's civil jurisdiction. I do not believe there was any significant opposition to the reforms, though; just different ideas on what the ideal reforms could be.

In the end I think the government has chosen a good balance of reforms and there are good justifications for the final proposals. It is reasonable to increase the civil jurisdiction to $25,000. Canberra Community Law, for example, supported the increase to $25,000 because it would increase access to justice for people seeking redress in disputes involving amounts that are beyond the current jurisdictional limit but are nevertheless relatively low in quantum.

Their submission included a case study of a client with severe mental health issues who had a number of legal problems including recovering property from her estranged father. The items were most likely worth more than $10,000. However, because the Magistrates Court presented a more difficult forum for an unrepresented

litigant and the potential for exposure to further legal costs, the client chose to pursue the matter in the ACAT and, in doing so, to undervalue her property. I can see how this situation could occur quite frequently as it does not take much for a claim's value to reach $10,000 or more. This access-to-justice consideration is one of the reasons I support neither the suggestion of the Bar Association to increase the jurisdiction only to $12,000 nor the suggestion of the Law Society to not increase it at all.

I also note the government's argument that the civil jurisdiction of ACAT—and the Small Claims Court before it—has been $10,000 for almost 20 years. Merely applying CPI to this figure would increase the figure to $20,000 in 2016. The jurisdiction really should increase just to ensure it is still generally accessible to the community. Finally, I note that a jurisdiction of $25,000 accords with ACAT's current dispute limit for residential tenancies, which will increase consistency.

It is likely that the change in jurisdiction will increase the demand on ACAT. This raises a question of resourcing. The court needs to remain efficient to remain accessible and fulfil its purpose. JACS officials provided a helpful briefing in which they estimated the number of additional cases coming to ACAT would be relatively low. It will be important to monitor just how great any increase is and whether this causes strain that requires additional funding for resources. This would, of course, be a budget matter but one that needs to be monitored.

It is not only ACAT though; the change in jurisdiction may also result in additional strain on our community legal centres which, it must be said, are already strained. Community legal centres provide a very valuable resource, and their services undoubtedly save on legal costs that would otherwise be incurred further down the track.

The second change is the requirement that the president be a magistrate or eligible to be a magistrate. This appears to be a change widely agreed upon by legal stakeholders, except that the Bar Association submits that the president should be a judge of the Supreme Court. Other stakeholders worried, though, that the culture of ACAT could be affected by having a judicial head.

The requirement that the president be a magistrate or eligible to be a magistrate will bring ACAT in line with other tribunals in Australia which also employ a judicial head. It appears that the judicial head requirement has been beneficial in these tribunals, improving their operation, their intellectual rigor and the acceptance of their decisions in the community. I think it will be a positive development. Practically, it is not really very different to the current requirements that a person must meet to be president, and I do not believe the culture will be negatively impacted.

I understand the Bar Council's arguments for the president to be a Supreme Court judge. They point out that serious and complex taxation, planning and building dispute matters are heard by ACAT and that these can involve many millions of dollars. Other jurisdictions, except for the Northern Territory, employ judges as the heads of tribunals.

I suppose the arguments about a magistrate bringing status and rigor to the tribunal are even stronger in relation to a judge. On balance, though, I think it is still

appropriate at this time for the tribunal to evolve by having a president that is a magistrate or someone eligible to be a magistrate rather than requiring this role to be filled by a judge. This will bring the ACT in line with the Northern Territory. When one considers appointing a Supreme Court judge, there starts to be an argument that the culture of ACAT could change. It needs to remain an informal and accessible court, and I think the magistrate requirement will strike the right balance in that space.

To conclude, I support the changes. I think they will be beneficial to ACAT and improve access to justice. ACAT is an important forum for people in the ACT to have a variety of legal matters resolved, and I will be keenly watching how these reforms unfold.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.58), in reply: I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Nature Conservation Amendment Bill 2016

Debate resumed from 3 May 2016, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (10.59): I am pleased to speak today on the Nature Conservation Amendment Bill 2016. It is a bill to amend the Nature Conservation Act 2014 and for other purposes and seeks to facilitate the following: to adopt a common assessment method to assess nationally threatened matters based on the International Union for the Conservation of Nature, the IUCN, categories and criteria which may also be used to assess regionally threatened matters if chosen by jurisdictions; to enable mutual recognition of other jurisdictions' assessments and listing decisions for nationally threatened matters, supported by enhanced information exchange and sharing between jurisdictions; to facilitate a single operational list of nationally threatened and regionally threatened matters whereby national and regional lists are mutually exclusive, and the same species or ecological community on different jurisdictions' lists must have the same threat category; to assist in ensuring that the common assessment method will be applied in a hierarchical way so that the conservation status of a species or ecological community is first assessed at a national scale; to ensure that species and ecological communities that are currently listed as threatened would be transitioned to an agreed threat category on the ACT threatened species list, either national or regional category.

I say at the outset the Canberra Liberals will be supporting this bill today. We will be watching the implementation of this bill carefully, for reasons that I will outline. Whilst we are very supportive overall of the bill and its intents—it is bringing definitions in line with the Council of Australian Governments, or COAG, definitions, which is a positive development to reduce duplication—it makes some things obligatory, for example, some reporting where it may not be necessary. Reporting can become unnecessarily expensive and cumbersome. There may be practical issues in classifying species. For example some species may be stable in the ACT and be endangered in New South Wales.

It is a complex bill, and we will watch carefully the implementation as it unfolds. Consistency across jurisdictions in the listing of threatened species to be considered in environmental impact assessments will hopefully simplify regulation on developers, because only one list for the ACT will need to be consulted.

We have also consulted with some stakeholders and received some feedback about the bill during that process. For example:

> In principle, a single operational list of threatened species/communities et cetera across the various jurisdictions and common assessment methods is a positive step forward.
>
> Issues which are unclear are implementation and transition of the currently listed species/communities to an agreed category on the ACT threatened species list, it is not clear what the processes will be, who will be the decision-maker, or the role of the Scientific Committee.

Other feedback includes:

> It would have been helpful if there had been a flowchart to enable a clearer idea of the process and how this would all work.
>
> While it seems the intent is to ensure that species et cetera in the current list remain protected, it is unclear if there could be an outcome which would subvert the current status/listing, if there could be a downgrading of status, or if the revised common criteria could make it more difficult to achieve listing of new species et cetera which may be nominated in the future.
>
> It might be prudent to seek a political commitment … that there will not be any downgrading of status, or species dropped from the list et cetera, through this exercise.

Under current legislation a species or ecological community is threatened if it is likely to become extinct in the foreseeable future. A process is threatening if it has the potential to threaten the survival of a species or community in the ACT region. This ACT list includes 36 species of mammals, birds, frogs, fishes, insects, other invertebrates and plants. Currently the Nature Conservation Act 2014 establishes a formal process for the identification and the protection of threatened species and ecological communities. It requires the Scientific Committee to advise the minister of native species and ecological communities that are threatened in the ACT and

ecologically significant threatening processes and recommend that they be declared accordingly. A species may be declared vulnerable or endangered as an indication of the degree of threat to its continued existence.

Currently the formal declaration of a species is published in a notifiable instrument on the ACT legislation register, and the Conservator of Flora and Fauna is required to prepare a management response to each declaration by way of an action plan. A draft of each action plan must be released for public comment.

The difficulty with the current legislation is that it treats the ACT as though the status of species was independent of the species in surrounding New South Wales or even the rest of Australia. Unfortunately, or fortunately, as we all know, the ACT is not an island for the purposes of managing threatened species.

Based on 2014 Canberra Ornithologists Group data, the 11 species of listed birds in the ACT give a good idea of the complexity of the issues. First, the little eagle is declared vulnerable in the ACT and New South Wales but is not currently listed by the federal government. Second, the glossy black cockatoo is declared vulnerable in the ACT and New South Wales but also is not currently listed by the federal government. Third, the superb parrot is declared vulnerable in the ACT and New South Wales and nationally. Four, the swift parrot is declared endangered in the ACT and New South Wales and nationally. Five, the brown treecreeper is declared vulnerable in the ACT and New South Wales but is not currently listed by the federal government.

Six, the regent honeyeater is declared endangered in the ACT and across Australia and is critically endangered in New South Wales. Seven, the painted honeyeater is declared vulnerable in the ACT and New South Wales but is not listed currently by the federal government. Eight, the varied sittella is declared vulnerable in the ACT and New South Wales but also is not listed by the federal government. Nine, the white-winged triller is declared vulnerable in the ACT but is not listed in New South Wales or nationally. Ten, the hooded robin is declared vulnerable in the ACT and New South Wales but is not listed in Australia. Finally, 11, the scarlet robin was only listed recently as vulnerable in the ACT.

The scarlet robin is one of my favourite birds that I find on the hills behind my house in Tuggeranong. It occurs in all Australian states and the ACT, and it is now listed as vulnerable in New South Wales and the ACT and rare in South Australia. The ACT state faunal emblem, the gang-gang cockatoo, conversely is listed as vulnerable in New South Wales but is of no identified concern in the ACT. It is also common in the forests of the Victorian Alps.

Of course, birds are mobile. Some migrate and some slowly colonise new regions. The little eagle nests in the ACT and, while adults tend to stay in a home territory, the longest distance travelled by one bird studied was over 2,800 kilometres. The whole swift parrot population breeds in Tasmania, and most birds winter in the woodlands of southern Australia. Some swift parrots winter in the flowering gums in Canberra suburbs. Superb parrots are typically mobile inland New South Wales birds and have small and increasing populations in northern Canberra, including Belconnen and Gungahlin.

These examples of the different status of birds that I have given highlight the difficulties of state-based conservation listings and point towards an argument for a national scheme as proposed by this new legislation. Common definitions and common listing processes do make good sense in this regard. The complexity of uncoordinated national and state and territory listing is administratively cumbersome, creates huge duplication of work and makes environmental planning unnecessarily complex, and all for little on-the-ground effect.

While endorsing and supporting this new legislation in principle and the implementation of the new act, we say that the standard definitions, the adoption of listings from other jurisdictions and ACT regional declarations will all need to be kept under review. We all wish to make sure there are no unintended impacts for the ACT, its planning regimes or its wildlife. In conclusion, the Canberra Liberals are pleased to support this bill today and we will, for the reasons I have outlined today, watch the implementation of this bill closely.

MR RATTENBURY (Molonglo) (11.08): Madam Speaker, as you can imagine, the Greens take a great interest in amendments to the Nature Conservation Act. It is, of course, a fundamentally important act for the protection of biodiversity here in the ACT. The Nature Conservation Act 2014 commenced on 11 June 2015, and the main object of the act is to protect, conserve and enhance the biodiversity of the territory. This is achieved by protecting, conserving, enhancing, restoring and improving habitats for native species.

The objects of the act are progressed through listing species and ecological communities that meet specific criteria as "threatened". This assists decision-makers to put in place adequate protections, including developing conservation devices and action plans. The nature of any plans and advices and resulting management and monitoring may be determined by the listing category, amongst other things, in which the species or ecological community is assigned. Once a species has been listed on a threatened species list, it has special protection status. This provides additional protection in terms of trade restrictions, licensing offences and penalties.

World wide, many species of wildlife, both plants and animals, are in danger of extinction. Such losses of biodiversity are largely the direct or indirect result of human activities. This problem is being addressed globally and also on a regional basis. At the international level, organisations such as the International Union for the Conservation of Nature, better known as the IUCN, and governments of numerous countries are working to document, assess and control threats to wildlife. Australia is party to many international agreements, for example, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES, and the Convention on Biological Diversity, aimed at achieving a global approach to conservation.

Australia has also developed national strategies for the protection of our unique flora and fauna. All states and territories provide legislative protection for the wildlife within their respective jurisdictions. Currently state, territory and Australian governments all use slightly different criteria and categories for assessing and listing threatened matters.

In April 2014 environment ministers agreed to the national review of environmental regulation to identify unworkable, contradictory or incompatible regulation and identify opportunities to harmonise and simplify regulations. The assessment and listing of threatened matters—both species and ecological communities—was identified as an area of possible reform. Most jurisdictions have agreed or are in the process of agreeing to an intergovernmental memorandum of understanding. This MOU is the agreement on a common assessment method for listing of threatened species and the threatened ecological communities. It sets out the reform measures and provides an implementation framework.

The main reforms to harmonise and simplify regulation included in this bill are that all jurisdictions adopt a common assessment method to assess nationally threatened matters based on the IUCN categories and criteria, which may also be used to assess regionally threatened matters chosen by jurisdictions; secondly, mutual recognition of other jurisdictions' assessments and listing decisions for nationally threatened matters, supported by enhanced information exchange and sharing between jurisdictions. It also includes a single operational list of nationally threatened or regionally threatened matters whereby national and regional lists are mutually exclusive and the same species or ecological community on different jurisdictions' lists must have the same threat category.

There is also the common assessment method which would be applied in a hierarchical way so that the conservation status of a species or ecological community is first assessed on a national scale. Species and ecological communities that are assessed as nationally threatened would be listed in the same national threat category on the statutory lists of all relevant jurisdictions. If a species or ecological community is not eligible for listing as nationally threatened, a state or territory may elect to assess that species or ecological community and list it in a category of threat appropriate to its status in that jurisdiction. Finally, species and ecological communities that are currently listed as threatened would be transitioned to an agreed threat category on the ACT threatened species list, under either the national or regional category.

The intent of the reform is that all jurisdictions would use the common assessment methodology and allow for a mutual recognition of assessments. However, even if other jurisdictions did not enter the agreement, there would be benefit to both the commonwealth and the ACT to align their processes and lists. The ACT Scientific Committee, formerly the flora and fauna committee, has the primary role to assess native species and ecological communities that are threatened with extinction, as well as processes that threaten the survival of native species and communities in the ACT region.

The Scientific Committee will be responsible for assessment of ACT endemic species and, subject to agreements with New South Wales, species that are endemic to the ACT region. The Scientific Committee may also undertake assessments of species that are regionally threatened or regionally conservation dependent. Other assessments, such as species that occur across multiple jurisdictions, are primarily the responsibility of the commonwealth unless otherwise agreed by the jurisdictions.

The IUCN has developed the IUCN red list categories and criteria and associated guidelines. The IUCN categories and criteria for species have been developed, trialled and adjusted iteratively over 50 years. This provides an easily and widely understood system for classifying species at high risk of global extinction. The general aim of the system is to provide an explicit, objective framework for the classification of the broadest range of species according to their extinction risk. The IUCN category and criteria are applied in the ACT through the Nature Conservation Act and relevant statutory instruments.

Madam Speaker, the adoption of a common assessment method would ensure consistency of process and outcomes for listing assessments. It would also provide greater certainty to the community that statutory protection for threatened matters is assigned efficiently and appropriately across Australia. A listing assessment undertaken by one jurisdiction using the common method could be adopted by any other state or territory or the Australian government, removing the need to reassess threatened species and ecological communities in every jurisdiction. This would speed up listing processes and reduce the misalignment of listed matters that exist under the current arrangements.

A common assessment method and mutual recognition of assessments will streamline and improve efficiencies in government listing processes. Consistency across jurisdictions in the listing of threatened matters will simplify regulation on developers, because only one list for the ACT will need to be consulted.

There are no significant financial implications with this measure. Costs of assessment are likely to remain the same for the ACT over the longer term. It is not expected that the numbers of species or ecological communities requiring assessment will increase significantly.

There are some costs in implementing the reforms to deal with legacy species and ecological communities, those species and communities that are already listed. However, I understand that transitional arrangements will minimise these costs and any residual costs will be absorbed from within existing budgets.

But those economic issues aside, the benefits of the reform largely relate to having consistent threat categories and assessments. This is something that I think is particularly important in terms of making sure that we are focused on genuinely protecting those species that are facing the risk of extinction. We have a significant job to do to reverse the trends we have seen arise in Australia, particularly since European settlement. We are threatening species on an almost daily basis. We have a lot to do to reverse that trend. These reforms are a part of that. Having a consistent approach, having the opportunity for species to be listed more quickly, means that we are able to respond more quickly to that threat, and that can only be a positive thing in seeking to reverse that possibility of extinction. I am very pleased to support the Nature Conservation Amendment Bill today.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.17), in reply: I would like to

thank members for their support of this bill, which has been developed to provide, as members have observed, greater consistency between the threatened species listings of the ACT and those of other jurisdictions, in particular with species listed under the commonwealth's Environment Protection and Biodiversity Conservation Act 1999, more commonly referred to as the EPBC Act.

To put this reform in some context, collectively states and territories have listed more than 5,000 species as threatened with extinction and there are some 1,700 listed under the commonwealth legislation. Some of these species are, of course, the same, but not all of them. In this situation, a species may be listed as endangered in one jurisdiction, vulnerable in another, and not listed at all in some.

By way of background, the term "threatened" is used as a generic term for any listed species, whereas the terms "critically endangered", "endangered" and "vulnerable" are specific subcategories for threatened species.

I would like to give a couple of examples. The smoky mouse is a small marsupial mouse that favours dry forests, especially along ridge tops with a heath understorey. It occurs in Victoria, New South Wales and the ACT. It is listed as endangered in the commonwealth and the ACT, critically endangered in New South Wales, but only threatened in Victoria. Further, the action plan for Australian mammals, which is a non-statutory advisory listing, says that it is vulnerable.

To give another example, the painted snipe, a waterbird species with wide distribution across Australia, is listed as endangered by the commonwealth, New South Wales and Western Australia, listed as vulnerable in the Northern Territory, Queensland and South Australia, but listed as threatened in Victoria. It is not listed in the ACT as yet, even though it does turn up here from time to time.

This situation of differential listings is confusing for both conservation stakeholders and the broader community. Some of the variation in listing has arisen because of different standards and criteria applied to the listing process. This reform, together with some included in the Nature Conservation Act 2014, aims to address this. For example, in the ACT, until the Nature Conservation Act 2014 commenced, the act did not have the category of critically endangered while the commonwealth did. This meant that many of the species listed by the commonwealth as critically endangered were only able to be listed on the ACT list as endangered.

Similarly, while the ACT and commonwealth both list the ecological communities of natural temperate grassland and box gum woodland, the name of the ecological communities and their descriptions differ. This has meant that mapping of the vegetation communities has had to be shown for both the ACT and commonwealth listed ecological communities. To make it even more confusing, New South Wales uses a different description again for box gum woodland communities and does not list at all natural temperate grassland.

As members have observed, in April 2014 all state, territory and commonwealth environment ministers agreed to identify opportunities to harmonise and simplify

regulations through a national review of environmental regulation. The assessment and listing of threatened species and ecological communities was identified as an area of possible reform.

Last year, jurisdictions collaboratively developed a memorandum of understanding that sets out the reform measures and provides for an implementation framework. I signed the memorandum on behalf of the ACT in November last year, just after the commonwealth and Western Australia. Since then, Tasmania and the Northern Territory have also signed, and most other jurisdictions are moving towards this outcome. All have agreed to participate in a working group to help facilitate transition to using common assessment methodologies.

Jurisdictions have agreed to make their best efforts to amend legislation and administration to implement the reform within two years of signature. The government has been able to bring this reform to the Assembly today, in a relatively short period, because many of the reforms were already anticipated in the new Nature Conservation Act adopted in 2014, and the proposed changes are therefore largely procedural. In addition, there are significant benefits to the ACT in aligning our lists with those of the commonwealth as soon as practical. This will ensure efficiencies by reducing duplications of process, to provide additional transparency and to take advantage of any synergies through working collaboratively on species and ecosystems of joint focus.

I would like to simply conclude by outlining the key benefits of the reform for stakeholders. Most importantly, this reform package provides improved clarity about threatened species by aligning the categories, criteria and processes for assessment through the adoption of a common assessment method based on international standards. It reduces duplication of effort and over time, once transitional work has been completed, will make the threatened species list of the commonwealth and the ACT consistent. Further consistencies will be achieved through alignment with New South Wales, in particular; however, consistency between the ACT and the commonwealth is of primary importance.

Secondly, species regionally important to the ACT will continue to be listed, as this provides significant opportunity to take action to ensure that species do not become nationally endangered.

Finally, over a number of years the ACT has successfully collaborated with the commonwealth on recovery plans and programs to protect the habit of nationally endangered species. This reform will provide additional mechanisms to align those efforts and to provide for additional collaboration. It is through such collaboration, with the commonwealth, other jurisdictions, landholders, community groups and developers, that we can do our best to protect species from extinction, which is, of course, the ultimate aim of listing threatened species and of this reform. I thank members for their support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Retirement Villages Amendment Bill 2016

Debate resumed from 3 May 2016, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR DOSZPOT (Molonglo) (11.25): I welcome the opportunity to speak on this bill. The management and protection of rights of residents and operators of retirement villages has always been a balancing act. The legislation before us today adds to the body of work undertaken four years ago. As anyone who has familiarity with the progress and history of the original bill would know, there was not a smooth path to the original Retirement Villages Act, so today this amendment bill has not progressed as easily as the minister might have liked.

In 2012 the former Labor MLA, Mary Porter, as a strong advocate for the rights of retirement village residents, introduced a private member's bill on the regulation of retirement villages and the protection of rights for residents. I recall that her first attempts to do this were, by any measure, a mish-mash and had a number of flaws, notwithstanding that the sentiments were very genuine. My colleague and former Canberra Liberals leader Zed Seselja spoke on the original bill when it was introduced in 2012. As he pointed out at the time, retirement villages are an important source of housing choice for seniors in the ACT. He described retirement villages as "a vital infrastructure for our seniors and more so that they are an effective means for seniors to access social support, improved lifestyle and security of tenure". Mr Seselja went on to say:

> In this regard, when considering Ms Porter's bill today, we need to balance the imperatives between residents' interests and ensuring that operators have a business environment that allows them to plan their businesses with a reasonable degree of certainty.

Four years later, these are the same priorities we need to balance to ensure fairness and equity for both residents and operators.

The Retirement Villages Amendment Bill makes a number of changes to the Retirement Villages Act and the Retirement Villages Regulation 2013, RVR, to reflect the outcomes of a review undertaken during 2015. As the minister has advised, the act and regulations were subject to a wide review and consultation process involving the Retirement Villages Residents Association, ACT Property Council, Aged and Community Services Australia association, ACT Law Society, Council on the Ageing, Human Rights Commission and several other groups. The minister presented the report on the review to the Assembly when he introduced the legislation in May 2016.

The bill is intended to provide clarity around a number of issues identified in the review process as causing concern and misinterpretation. It is fair to say that the changes in large measure improve the rights of residents in retirement villages. I do not propose to go through all that the legislation is intended to address. It does cover a wide number of issues arising from the original act that needed clarification.

As I said, to a large extent, this bill does address, prescribe and interpret a number of activities associated with the orderly conduct, operation and management of retirement villages. To highlight some issues, this legislation addresses a requirement that a retirement village's prospectus include details about operational arrangements such as exit fees, deferred management fees and departure fees; and the difference between a retirement village and an aged care facility.

However, there is one inclusion that has caused consternation. That is regulation 24A, designed to clarify what is and what is not capital maintenance, and it has caused some concern. Regulation 24A and clauses 30 and 31 were intended to provide clarity around definitions of capital maintenance and capital items. The definition of capital maintenance is important because it is funded from recurrent charges. It also clarifies operational activities and responsibilities for both residents and operators.

Regulation 24A prescribes as capital maintenance a number of item categories which involve the replacement of capital items. Capital items are everything used in a retirement village that is not owned by a resident. The operator must generally fund from his own resources the cost of replacing a capital item, and the operator can also generally fund the maintenance and repair of capital items from funds supplied by residents through the recurrent account and capital works fund.

Let me just say that we are very fortunate that in the territory we have a number of very well-educated and very well-informed citizens who take a great interest and a great pride in how the territory works. They take the time and trouble to not take at face value what governments choose to put to them. Such concern is seen every week in groups like the numerous community councils, residents groups and business associations and, indeed, the Retirement Villages Residents Association. So it was that a group of retirement village residents provided such scrutiny of this piece of legislation. A number of retirement village residents, and then later the Retirement Villages Residents Association, started to express concern that the changes to the definition outlined in regulation 24A could impose unfair financial burdens on them and move the financial onus for certain items from the operator to residents as part of their maintenance obligations.

It is true that most of the amendments in this bill reflect the outcomes of the review process I mentioned earlier and are of benefit to the residents. It is also true that there initially was consensus amongst all the stakeholders. However, subsequent discussion within the Retirement Villages Residents Association has seen some differing views, and it is obvious that the minister is unable to resolve them amicably. I cannot say whether it is because the consultation and review process was not thorough enough or because insufficient time was given to examination of the various clauses and impacts it had on the original legislation. What we do know is that there are now differing views as to the intent of regulation 24A.

It is probably fair to say that the RVRA's objections have caught the minister and his directorate by surprise. He has acknowledged that he cannot get consensus. It is also true that various stakeholders' overwhelming desire is that the legislation be passed, albeit with amendments to or deletion of regulation 24A and related clauses.

The cynic in me thinks that the residents association is probably fortunate that this is an election year and the government is keen to minimise any ill will among any group it can at the present time, and so it is prepared to set aside the contentious aspects of this bill and seek amendments to its own legislation. I trust that the additional review process the minister is now proposing will be conducted in good faith and with a genuine desire to get resolution and clarity. It is important for both retirement village residents now and into the future, and also for operators, to know what rules they are working under.

The Canberra Liberals do not oppose the bill, but we express our sincere disappointment that the review process was not more effective and that closer attention was not paid to the nuances of interpretation. It is fortunate that potential flaws have been identified by the affected stakeholders themselves, but again it is disappointing that they were not foreshadowed by government officials. It is a regret that the legislation today is not in a form that has the support of the community at large. The government needs to understand that it cannot just dump decisions on the Canberra community. This is another such example.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (11.33), in reply: I am pleased to speak in support of the Retirement Villages Amendment Bill 2016. During the last sittings, I presented the bill in this Assembly and tabled the report on the review. The bill proposes amendments to the act and to the Retirement Villages Regulation 2013 to clarify the distinction between retirement living and residential aged care. As I said during introduction of the bill, public consultation suggested there were misconceptions in the community about the differences between independent retirement living and residential aged care.

The bill makes it an offence for a retirement village operator to make an express or implied representation, whether orally or in writing, that the village is an approved provider of residential aged care or that residents of the village have priority access to residential aged care by an approved provider. This amendment builds on an existing offence in section 22 of the act which prohibits the operator making representations in promotional material that the village is an approved provider of residential aged care or that the residents have priority access to residential aged care.

The bill makes an important distinction for operators in the territory who are dual providers of independent retirement living and residential aged care. It is not an offence for an operator to merely explain or make a statement about how the services of the retirement village differ from residential care services or to make a simple statement of fact that a residential aged-care facility is associated with the village.

The bill proposes amendments to require the general inquiry document and disclosure statement for a retirement village to include information about the difference between retirement villages and aged-care facilities. The general inquiry document and disclosure statement will also need to include additional information for residents and prospective residents about any departure fees provided for in the village contract and information about the operator's policy, if any, on access by residents to home care services. This will give prospective residents and their families access to more comprehensive information about the village.

The bill amends the act to allow operators to enter into more binding deposit arrangements with prospective residents to ameliorate financial loss to operators and make the retirement village industry more consistent with other property industries.

As I said during introduction of the bill, the act presently requires a holding deposit to be held in trust until either the prospective resident enters into a residence contract with the operator or the operator receives written notice that the prospective resident does not intend to enter into a residence contract or has died. If the prospective resident enters into a residence contract with the operator, both parties may agree that the amount paid as a holding deposit may form part of the deposit under the contract.

The bill proposes amendments to the act so that if contracts have been entered into but the prospective resident does not move into the premises the operator is allowed to retain some of the holding deposit to cover reasonable costs incurred in leaving the premises empty, such as legal fees, marketing costs and recurrent charges. Reasonable costs cannot exceed an amount specified by regulation or $10,000. The operator would only be able to retain funds from the holding deposit if contracts have been entered into and the contract is rescinded after the seven-day cooling-off period.

This is similar to the exchange of contracts in the sale of residential property. However, it is important to note that under the proposed amendments the operator cannot retain funds if the prospective resident has died or is entering into residential aged care.

The bill proposes additional measures to assist residents and operators to resolve disputes. The bill proposes a new internal disputes committee for villages similar to the process from the former Fair Trading (Retirement Villages Industry) Code of Practice 1999. The disputes committee will consist of a member appointed by residents, a member appointed by the operator, and an independent chair. This is an optional process. Residents and operators would still be able to apply to the ACT Civil and Administrative Tribunal for dispute resolution in the first instance or to arrange external mediation of the dispute.

The financial management of retirement villages was a significant issue in the review. In particular, a number of submissions raised issues of consent to village budget spending and the amendment of recurrent charges. While the act presently makes separate provision for resident consent to proposed budget spending and increases in the recurrent charges that residents pay under their village contracts, there is some significant overlap.

The act does not require resident consent to proposed budget spending or increases in recurrent charges if the charges are varied according to a fixed formula. If the recurrent charges are not varied according to a fixed formula, resident consent is still not required if the increase does not exceed the consumer price index.

The bill clarifies the difference between consent to changes to recurrent charges and consent to proposed budget spending. Feedback from stakeholders representing residents and operators indicated that the use of the CPI to measure increases in recurrent charges has been problematic.

The bill proposes amendments to the act to remove the CPI provisions and requires resident consent for all increases in recurrent charges that are not made by fixed formula. In addition, the bill requires residents to consent separately to proposed budget spending. These are very important amendments which give residents greater opportunity to provide input to amendments in their recurrent charges and to participate in the financial management of their village.

The bill responds to practical concerns raised by stakeholders about the requirement in the act for operators to provide residents with a copy of the proposed annual budget at least 60 days before the beginning of the financial year. The proposed amendment allows an operator and residents to agree to change the time frame for the village budget. The time frame cannot be shorter than 30 days.

As I noted during introduction, the act provides that in the event of a surplus in the annual accounts of a village the residents may consent to the operator distributing all or part of the surplus to the existing residents in equal shares. For reasons of fairness, the bill proposes amendments to the act to provide that distribution is made to existing residents and the operator in the same proportion as their actual contribution to the surplus.

The bill makes important amendments to the act in the area of payments to a former resident's estate. The act presently addresses a situation where a payment must be made to the estate or administrator of the former occupant's estate. If the operator is unable to find out the identity of the executor or administrator, the operator may apply to the ACAT for an order directing the operator to deal with the money as stated in the order.

The act does not include a requirement for the operator to cite a grant of probate before making the payment. The bill amends the act to require the operator to cite the grant of probate or letters of administration prior to making a payment to the executor or administrator of the former occupant's estate.

If the operator is unable to find out the identity of the executor or administrator, the operator may apply to ACAT for an order directing the operator to deal with the money as stated in the order. This amendment provides greater financial certainty and makes the act consistent with requirements in the commonwealth Aged Care Act 1997.

The bill also makes a number of technical amendments to the act. The purpose of these amendments is to clarify existing obligations and make the act more user friendly.

Madam Assistant Speaker, as Mr Doszpot has foreshadowed, I have written to the Leader of the Opposition to advise of my intention to oppose at the detail stage three clauses of the bill which deal with capital items and capital maintenance, and I will speak further about those amendments at that detail stage.

As I said during the introduction, this bill proposes a number of very practical amendments to the Retirement Villages Act. It provides a balance between various stakeholder interests and will achieve a better, smoother system for all involved. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 29, by leave, taken together and agreed to.

Clause 30.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (11.43): As discussed in my debate speech, I propose to oppose some clauses in the bill in response to issues raised since the bill was introduced. Submissions received during the recent review of the act suggested a need for greater legislative clarity on the issue of capital maintenance. The amendments were developed in consultation with a review advisory group of stakeholders, including representatives of residents and operators of ACT retirement villages.

Since introduction of the bill on 3 May some stakeholders have expressed concern about the scope of these amendments. It seems that the provisions in the act around capital maintenance have been interpreted differently by different retirement villages and that this may have contributed to these stakeholders' concerns.

In light of these concerns, I am proposing to oppose clauses 30, 31 and 61 of the bill, which will remove new section 24A of the regulation, which defines "capital maintenance", and the amendments to section 135 of the act, which were drafted to clarify the definition of "capital item". I take this opportunity to table a supplementary explanatory statement which explains these amendments.

I cannot but remark on the comments made by Mr Doszpot, and I was disappointed that he felt the need to make it political. The Retirement Villages Act is a very complex piece of legislation. That is why we went through a very extensive process of inviting submissions then establishing a review group comprising residents groups, industry players and other experts who did extensive work. What came out of that was essentially a two-stage process to this bill. The first was to pass the amendments we are discussing today and the second was to defer some items to a later date because they were so complex that they needed more time and more consideration.

This has been a very collaborative process, and I think many people were surprised when concerns were raised about the definition of "capital item". I took a decision to defer these amendments because I think this has been a positive and collaborative process. The fact that there were late concerns was a surprise, but the complexity of this issue is such that I was quite comfortable to defer consideration of this to a later date. Contrary to Mr Doszpot's somewhat grubby remarks, there was no desire to jam this through in the way he suggested. Rather, it is a recognition of the fact that this is a complex process. That is why I was quite comfortable to defer the amendments.

I flag for the Assembly that there will be further amendments to this act, but not during the term of this Assembly, obviously, because we are now out of time. I have asked the Justice and Community Safety Directorate to continue to work with our reference group on matters that are complicated, and issues such as the definition of "capital item" will go to that time. I am perfectly comfortable with that because it is clear to me that, even within certain groups, there are different understandings of the legislation.

It highlights the fact that we clearly need to amend this part of the legislation because the sheer fact that there is a different understanding of what it has meant until this point in time has meant that understanding what the amendments proposed was a contested space. This is obviously a complex area of policy work and one that I look forward to further discussion about.

Clause 30 negatived.

MADAM ASSISTANT SPEAKER: Before I continue to the next clause, I ask you to withdraw your word "grubby", Mr Rattenbury, in keeping with previous rulings by the Speaker, including you on several occasions.

Mr Rattenbury: Madam Assistant Speaker, I seek further advice. My understanding of the history of this matter is that that word has been considered unparliamentary when applied to an individual as opposed to remarks.

MADAM ASSISTANT SPEAKER: I think the implication was quite clear,
Mr Rattenbury.

Mr Rattenbury: In which case, if that is your view, Madam Assistant Speaker, I am happy to withdraw.

MADAM ASSISTANT SPEAKER: Thank you.

Clause 31 negatived.

Clauses 32 to 60, by leave, taken together and agreed to.

Clause 61 negatived.

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

Bill, as amended, agreed to.

Papers

Madam Assistant Speaker presented the following papers:

Auditor-General Act—Auditor-General's Reports—

No. 3/2016—ACT Policing Arrangement, dated 26 May 2016.

No. 4/2016—The Management of the Financial Arrangements for the Delivery of the Loose-fill Asbestos (Mr Fluffy) Insulation Eradication Scheme, dated 27 May 2016.

Penalty rates—Letter to the Speaker from the Chief Minister, dated 13 May 2016, in relation to the resolution of the Assembly of 6 April 2016.

Standing order 191—Amendments to the Planning, Building and Environment Legislation Amendment Bill 2016, dated 9 and 11 May 2016.

Mr Corbell presented the following papers:

ACT Criminal Justice—Statistical Profile 2016—March quarter.

Coroners Act—

Pursuant to subsection 102(8)—Chief Coroner—Annual Report—1 July 2014 to 30 June 2015, dated 21 April 2016.

Pursuant to subsection 57(5)—Report of Coroner—Inquest into the death of Corrina Anne Medway—

Report, dated 22 December 2015.

Executive response.

State of the environment report 2015—government response
Paper and statement by minister

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

Commissioner for Sustainability and the Environment Act, pursuant to subsection 19(3)—Commissioner for Sustainability and the Environment—ACT State of the Environment Report 2015—Government response.

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

Leave granted.

MR CORBELL: I am pleased to table the government's response to the latest Australian Capital Territory state of the environment report. It is a requirement of the Commissioner for the Environment Act 1993 that the commissioner present to the government at regular intervals a report on the condition of our environment. The government is required to formally respond to such a report.

The Commissioner for Sustainability and the Environment presented a 2015 report to the government on 21 December last year. The government tabled the report on 18 February this year. The report assesses the ACT's performance in relation to climate change, human needs, air, land, water, biodiversity and heritage.

The report highlights that overall the ACT fares well on the state of the environment and its effective management. The report acknowledges that the community and government are showing strong leadership on action on climate change and that the government has been responsive to the concerns and issues previously raised by the commissioner.

The report points out that a key challenge for the ACT and our community will be to reduce the environmental impact of our consumption of goods. We continue to have an unsustainably high ecological footprint, at 8.9 global hectares per person. The findings of the report reinforce the need to continue to take strong action on climate change and to reduce our ecological footprint.

In the report, the commissioner makes 10 formal recommendations. The government is proposing to agree to eight of these recommendations. These eight recommendations reflect the government's existing policies and approaches and require that the government continues to implement them. The government is also agreeing in principle to the remaining two recommendations. The first of these relates to recommendation 3, "Human needs":

> That the ACT Government considers integrated monitoring, reporting and evaluation of all the key strategies to guide achievement of improved sustainability outcomes for the ACT, including the ACT Planning Strategy, AP2, Transport for Canberra, the ACT Water Strategy, the ACT Nature Conservation Strategy and the ACT Waste Management Strategy.

It is the government's view that there is already a high level of integration in developing, monitoring and reviewing all of the strategies referred to in this recommendation, with the Environment and Planning Directorate having lead responsibility for all of these strategies or other policy documents. The government agrees to consider how it can complement this work by developing a suite of indicators to better assess the effectiveness of environmental management and sustainable development in the ACT.

The second recommendation which the government is agreeing to in principle relates to recommendation 6:

> That the ACT Government uses strategic environmental assessments as provided for in the Planning and Development Act 2007 to reduce and manage cumulative and cross-sectoral impacts on the environment …

While the government will examine options to implement the practical effect of the commissioner's recommendation, the government already has a sound mechanism in place for addressing this issue. The ACT already has an environmental impact statement process that facilitates environmental impact assessment in the territory. This process is based on a triple bottom line and risk assessment approach and can and does consider cumulative and off-site impacts. The government is mindful of the need to encourage measured economic growth whilst promoting change to more sustainable behaviours. The government's policies are evaluated against the triple bottom line assessment and help to promote a sustainable development approach.

I am pleased to formally table the government's response to the Commissioner for Sustainability and the Environment's state of the environment report 2015.

Work health and safety in the ACT 2016
Paper and statement by minister

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

> Work Health and Safety in the ACT 2016.

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

Leave granted.

MR GENTLEMAN: In May 2015 I delivered the final six-monthly ministerial statement on the implementation of the *Getting home safely* report. In the course of making that statement, I undertook to provide an annual update on work health and safety in the territory. Accordingly, today I am tabling the first such report.

I am pleased to announce that in 2014-15 there were fewer than 2,000 lost time injuries reported by ACT private sector employers. This reflects the lowest frequency of lost time injuries recorded in the territory for more than 10 years. Much of this important improvement has been generated by the construction industry, and the building and construction industry sector has historically experienced the most work-related injuries in the territory. However, since the government began implementing the recommendations of the *Getting home safely* report, there has been an almost 35 per cent improvement in the frequency of lost time injuries in the building and construction sector.

The report also describes significant improvements in safety in the ACT public sector in the period since the commencement of the ACT government workers compensation and work safety improvement plan. Overall, the report indicates that government and industry investments in work safety infrastructure are paying dividends and that it is safer to work in the territory now than it has been for many years.

I commend the report to the Assembly.

Multicultural framework 2015-2020—implementation and outcomes
Paper and statement by minister

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

> ACT Multicultural Framework 2015-2020—Implementation and Outcomes (First Action Plan 2015-18).

I seek leave to make a brief statement.

Leave granted.

MS BERRY: I am pleased to table the ACT multicultural framework 2015-2020 implementation and outcomes first action plan 2015-2018. Over the past 12 months since the government launched its most recent multicultural framework and action plan, there has been a lot of progress in supporting the growth of our city's cultural diversity.

In partnership with local service providers and community groups, the government has strived hard to bridge gaps, build new relationships and further develop services so that they are easier to access by all Canberrans. Supporting our multicultural sector and capitalising on the benefits of our magnificent, culturally diverse way of life has been an important part of an across-government program to strengthen social inclusion in the ACT.

There are several examples of the support that we have delivered and the initiatives that have been implemented over the past year that have directly helped to change the lives of many Canberrans from culturally diverse backgrounds. These include a Muslim youth summit focusing on empowerment, tackling social isolation, and other issues faced by our young people; job-ready sessions for members of the Sudanese community facing challenges to find work; and enhancement of transitional housing programs for refugees.

While we have come such a long way in the past year, there is still more to do in the coming months. I commend the ACT multicultural framework 2015-2020 implementation and outcomes first action plan 2015-2018 to the Assembly.

2016 National Multicultural Festival—spectator survey
Paper and statement by minister

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

National Multicultural Festival 2016—Results of the Spectator Survey.

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

Leave granted.

MS BERRY: I am proud to be able to table the 2016 National Multicultural Festival spectator satisfaction survey. The numbers in this survey speak for themselves: $12 million injected into the local economy and more than 280,000 people in the city centre who enjoyed a weekend of diverse food and great entertainment. In 2016 the spectator satisfaction survey found that 97 per cent of people were more likely to attend the event again next year, and 99 per cent of the attendees expressed that they would recommend the festival to a friend. Almost all of those who were surveyed were either satisfied or very satisfied with the overall event.

We have taken all of the more specific feedback and suggestions on board to ensure that this festival only continues to grow and to be more inclusive going into the future. Our humble festival which began with a few thousand people gathered for a weekend of celebrating cultural diversity two decades ago is now an event of global reach. This year's event attracted approximately 43,000 interstate and international visitors. I would like again to thank all of the 4,000 community volunteers, 2,500 performers and 463 stalls for making this a truly successful event in its 20th year. I commend the satisfaction survey to the assembly.

Estimates 2015-2016—Select Committee—recommendations 70 and 72

Paper and statement by minister

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

Estimates 2015-2016—Select Committee—Report—Appropriation Bill 2015-2016 and Appropriation (Office of the Legislative Assembly) Bill 2015-2016—Recommendations 70 and 72—Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids*—Update.

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

Leave granted.

DR BOURKE: Madam Assistant Speaker, as the Minister for Children and Young People I thank you for the opportunity to speak to the Assembly today. I am very pleased to be tabling an update on the implementation of a step up for our kids and, in doing so, respond to recommendations 70 and 72 of the 2015-16 estimates committee report. Launched on 22 January 2015 a step up for our kids is the government's five-year strategy to reform the out of home care system in the ACT. It is about

breaking the intergenerational cycle of disadvantage and keeping children safe at home. Here in the ACT we are stepping up for vulnerable children, young people and their families.

The strengthening, high-risk families' domain of a step up for our kids introduces a suite of innovative new services aimed at keeping vulnerable families together and providing them with the tools and knowledge to make a safe home environment for their children. This service has been directed to address the unacceptably high number of Aboriginal and Torres Strait Islander children who come into care in the ACT.

We are creating a sustainable system that addresses the major challenges faced by out of home care systems. Over the past year we have set out the foundations to build a service system that will improve the education, health, employment and social outcomes of children and young people in out of home care.

As the capacity of the new system continues to develop, we will begin to see significant evidence of change for these children and young people and their families. I look forward to updating the Assembly further on the progress of a step up for our kids.

IRT foundation—ACT mature workforce strategy—progress report

Paper and statement by minister

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

> IRT Foundation—Mature Workforce Strategy—Progress.

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

Leave granted.

DR BOURKE: Madam Assistant Speaker, I am pleased to be able to table today the presentation paper for the progress on the IRT foundation, ACT mature workforce strategy. More older people want to work into their 60s and 70s and we know as a community that this is beneficial for their wellbeing and the nation's economic growth. However, currently only one in three Australian's over the age of 55 are taking part in the workforce. The ACT government is committed to working collaboratively with the Australian Human Rights Commission and IRT foundation to reduce barriers to mature age employment and boost workforce participation by effectively responding to the needs of mature age workers in the ACT.

The presentation paper that I table here today reports on progress that has been made to date—the upcoming career check-up expo and the next steps in the implementation of a broader ACT mature workforce strategy. One of the key initiatives highlighted in

the presentation paper is the upcoming careers check-up expo at the end of June that will bring together local mature age workers, employers, training organisations, employment specialists, financial planners and relevant areas of the ACT government to discuss paid work opportunities for local mature aged workers. I commend the presentation paper to the Assembly.

ACT active ageing framework 2015-2018—implementation of action plan 2015-2018

Paper and statement by minister

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

ACT Active Ageing Framework 2015-2018—Implementation of Action Plan.

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

Leave granted.

DR BOURKE: Madam Assistant Speaker, I am proud to be able to table today the presentation paper for the ACT active ageing framework implementation of action plan 2015-18. The ACT government is committed to assisting our seniors to stay healthy for longer and to enhance their contribution to our community as well as providing solutions, new processes and innovation for our seniors. I am confident that the implementation of the framework and the initiatives outlined in the associated action plan will produce many benefits for Canberra seniors.

The framework, which was tabled in this Assembly on 9 November, last year expresses the ACT government's priorities for active ageing over the next three years, while the accompanying action plan has achievable and measurable outcomes to be completed by ACT government directorates. Indeed, in the Assembly recently, on 4 May, we passed a motion calling on the ACT government to continue to improve outcomes for ACT seniors by implementing the ACT active ageing framework 2015-18 as outlined in the ACT active ageing action plan.

I would like to draw members' attention to the framework's associated action plan, which contains 14 practical outcomes to be achieved in 2015-16. The aim of these practical outcomes is to enhance the social and economic wellbeing of our local seniors by encouraging them to remain active, healthy and independent as they age in our community.

The presentation paper that I table today highlights the achievements against all 14 practical actions in the framework's first year of implementation, and I am pleased to advise members that all 14 actions are on track for delivery in the first year of the framework. Madam Assistant Speaker I commend the presentation paper to the Assembly.

Papers

Mr Gentleman presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2016 (No. 1)—Disallowable Instrument DI2016-40 (LR, 9 May 2016).

Board of Senior Secondary Studies Appointment 2016 (No. 2)—Disallowable Instrument DI2016-41 (LR, 9 May 2016).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Australian Property Institute Valuers Limited Scheme 2016 (No. 1)—Disallowable Instrument DI2016-33 (LR, 14 April 2016).

Civil Law (Wrongs) Law Institute of Victoria Limited Scheme 2016 (No. 1)—Disallowable Instrument DI2016-16 (LR, 14 April 2016).

Civil Law (Wrongs) Professional Standards Council Appointment 2016 (No. 1)—Disallowable Instrument DI2016-32 (LR, 7 April 2016).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Renewable Energy Targets) Determination 2016—Disallowable Instrument DI2016-38 (LR, 2 May 2016).

Court Procedures Act—Court Procedures (Fees) Determination 2016—Disallowable Instrument DI2016-35 (LR, 21 April 2016).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-15 (LR, 12 April 2016).

Electricity Feed-in (Large-scale Renewable Energy Generation) Act—Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Capacity Release Determination 2016 (No. 1)—Disallowable Instrument DI2016-31 (LR, 7 April 2016).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2016, including a regulatory impact statement—Disallowable Instrument DI2016-63 (LR, 2 June 2016).

Financial Management Act—

Financial Management (Budget Financial Statements) Guidelines 2016—Disallowable Instrument DI2016-71 (LR, 6 June 2016).

Financial Management (Territory Authorities prescribed for Outputs) Guidelines 2016—Disallowable Instrument DI2016-70 (LR, 6 June 2016).

Financial Management (Territory Authorities) Guidelines 2016—Disallowable Instrument DI2016-72 (LR, 6 June 2016).

Legal Profession Act—Legal Profession (Solicitors Practising Fees) Determination 2016—Disallowable Instrument DI2016-36 (LR, 28 April 2016).

Legislative Assembly Precincts Act—Legislative Assembly Precincts Regulation 2016—Subordinate Law SL2016-9 (LR, 3 May 2016).

Planning and Development Act—Planning and Development (Lease Variation Charge Exemption—Childcare Centres) Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-7 (LR, 8 April 2016).

Public Place Names Act—Public Place Names (Moncrieff) Determination 2016 (No. 1)—Disallowable Instrument DI2016-37 (LR, 28 April 2016).

Taxation Administration Act—Taxation Administration Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-8 (LR, 21 April 2016).

Veterinary Surgeons Act—Veterinary Surgeons (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-39 (LR, 5 May 2016).

Petition—Out-of-order

Petition which does not conform with the standing orders—Gungahlin—Need for a Hindu Temple—Mr Barr (941 signatures).

Sitting suspended from 12.08 to 2.30 pm.

Questions without notice

Land—block 24, city

MR HANSON: My question is to the Minister for Economic Development. Minister, when were you first informed about the government's acquisition or proposed acquisition of block 24, section 65, city?

MR BARR: I will take the question on notice and provide the member with the exact date.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Chief Minister, what representations have been made to you by landowners, consultants or lobbyists regarding this purchase?

MR BARR: None that I can recall, Madam Speaker.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, why did the LDA go for the higher of the two valuations received for this block?

MR BARR: Those are matters of commercial negotiations for which the LDA and the LDA chief executive have the delegation to undertake.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, are you satisfied that the LDA's purchase was in accordance with the legislation governing land acquisitions?

MR BARR: I do not have any advice to the contrary.

University of Canberra—development

MR SMYTH: My question is to the minister for higher education. Minister, the *Canberra Times* of 6 May 2016 reported that Mr David Lamont was the University of Canberra's project adviser on campus development. Did Mr Lamont, his associates or companies make representations to the government about the deregulation of planning controls on the University of Canberra campus or other UC-related matters?

MS FITZHARRIS: I thank Mr Smyth for his question. Certainly not in the time that I have been minister.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, did Mr Lamont, his associates or companies make representations to the government about the University of Canberra sports hub or other budget-funded initiatives on the University of Canberra campus?

MS FITZHARRIS: Not to my knowledge in the time that I have been minister.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, did you have a conflict of interest, given your connection to consultants to UC and your role as minister for higher education?

MS FITZHARRIS: No, I did not.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, have you met with Mr Lamont regarding matters at UC or any other issue?

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

MR DOSZPOT: Minister, have you met with Mr Lamont regarding matters at UC or any other issue?

MS FITZHARRIS: As I indicated in the last Assembly sitting, no I have not.

Sport—Brumbies rugby union club

MR COE: My question is to the Treasurer and Minister for Tourism and Events. I refer to the report in the *Canberra Times* of 5 June 2016 regarding an audit of the ACT Brumbies' finances. Minister, will the government be undertaking an audit regarding matters at the Brumbies?

MR BARR: The government is working with the Brumbies in relation to their financial situation. We have, under the terms of our performance agreement with the Brumbies, sought further advice in relation to their financial circumstances.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, is the government paying for any such audit or further investigations? Will those investigations, if they go ahead, look at the role played by Mr David Lamont or his associates or companies in the affairs of the Brumbies over the past few years?

MR BARR: I will need to take the detail of the financial elements of that question on notice and I will get back to the Assembly in relation to the second part of the question. I think it would be unlikely that there would be a link between the two. The inference that—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson!

MR BARR: The inference that the questioner makes I think would be categorised as mischievous.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, will this audit look at the LVC waiver granted to the Brumbies in 2013? Will the audit look at the partnership between the Brumbies, the University of Canberra and the ACT government in the UC sports hub?

MR BARR: The information that we are seeking from the Brumbies relates to their financial circumstances, not the matters that Mr Smyth refers to.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Chief Minister, did any official in CMTEDD receive a copy of the KPMG report, given the ACT government, through UC and the Griffith LVC issue, is a key stakeholder in this affair?

MR BARR: Not that I am aware of; but it would appear that some on the other side of the chamber are in receipt of a document that has been suppressed by the courts and they should treat that accordingly.

Asbestos—property sales

MR WALL: My question is to the Chief Minister. Chief Minister, the first of the Mr Fluffy blocks not purchased by the previous owners have begun to be sold at auction. Prior to voluntarily surrendering their blocks, the previous owners were told that the government estimated that their blocks would be sold back to them at up to 25 per cent above unimproved value. We now know that blocks are being offered to the original owners at 40 per cent more than the unimproved value. Chief Minister, why are you charging so much more than what was originally advised to the previous owners?

MR BARR: I do not believe it is fair to draw that conclusion from the very small number of blocks at this point in time.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, why are the remediated blocks not having all of the soil removed as originally proposed?

MR BARR: Remediation meets the work health and safety requirements as outlined in legislation.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, why are the remediated blocks offered for sale not being sold with government assurances that all loose-fill asbestos has been removed?

MR BARR: The government is meeting all of its legal requirements.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, is there any potential for remediated blocks to still have loose-fill asbestos present? If not, why will you not provide those assurances to homebuyers?

MR BARR: I do not believe so, and the government is meeting all of its legal requirements.

Visitors

MADAM SPEAKER: Before I call Mr Hinder, I would like to acknowledge the presence in the gallery of new graduates who are members of the ACT public service. Welcome to your Assembly and I hope you enjoy the budget.

Questions without notice

Canberra Hospital—emergency department

MR HINDER: My question is to the Minister for Health. Minister, can you update the Assembly on the reforms underway in the emergency department at the Canberra Hospital?

MR CORBELL: I thank Mr Hinder for his question. As health minister I have made it clear that reform of the operations of the emergency department at the Canberra Hospital is one of my key priorities. We are undertaking this reform in three areas to improve timeliness and access to emergency department care for Canberrans.

The first is to focus on improving capacity. The government has funded in previous budgets a very significant expansion to the capacity of the emergency department. This is a $23 million program that is going to increase the number of beds and treatment spaces at the ED by approximately 30 per cent. That is a very big increase in the overall capacity.

In recent months I have been very pleased to join with my colleague, the assistant minister, Minister Fitzharris, to focus on the opening of the new emergency medicine unit space and the new dedicated paediatric streaming area for sick kids and their families. Right now refurbishment is occurring in a number of other areas.

Secondly, we are focusing on improving staffing capacity. As the government has announced in recent weeks, we are increasing the number of nurses and doctors at the emergency department. It is a very significant increase, a total of 54 staff over the next four years—doctors, nurses and allied health staff—to improve treatment capacity.

But the third and most significant reform of all is in terms of workplace flows and patient flows within the emergency department because so much of the effectiveness of emergency department care must be driven by how joined up care is within the ED and across the hospital as a whole. As a result of that, the government has commissioned detailed analysis that looks at how we can improve work flows and patient flows within the emergency department so that it operates efficiently and that more people are seen within the clinically indicated time frames. This has been now implemented through a range of measures including the establishment of new dedicated positions such as the emergency department navigator to improve the patient journey by making sure that staff are working together to join up different elements of care.

I am pleased to say that these reform efforts are achieving significant results. While reform is a long-term process, we are seeing encouraging indicators. For example, the trend data for April this year in the national emergency access target results shows that 69.6 per cent of people were seen within the NEAT targets, within that four-hour treatment time frame, compared with 58.3 per cent for the corresponding period last year.

That is a more than 10 per cent increase in timeliness—an improvement in timeliness—as a result of the reforms the government is putting in place. We are going to build on these reforms. We need to meet all of our NEAT targets, but we are well and truly on track now in terms of the direction we are heading. A 10 per cent increase in timeliness over the past 12 months, April period to April period, is a very encouraging outcome. Whilst there is still a lot of work to be done, I am very confident that we are on the right track. That means more Canberrans getting access to timely emergency department care. That has to be one of my key priorities as health minister.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, can you outline some of the projects and initiatives that are in place as other reform measures to improve the ED performance and the hospital more broadly?

MR CORBELL: I thank Mr Hinder for his supplementary. Yes, in addition to the reforms I have outlined, such as the establishment of the emergency department

navigator position, we have also implemented team-based care to improve timeliness in the ED through triage, improving patient flow and teaching and training. We have established a director of operations as a single point of accountability in leading these reforms across the hospital. We have developed an early discharge program, which is focused on removing delays from the discharge process: if people are ready to be discharged from the hospital, that should occur in a timely way. Once someone is discharged, of course, that bed is available for another patient, potentially and most significantly, a patient that has probably been admitted through the emergency department.

We are restructuring the Canberra Hospital patient flow unit to strengthen centralised hospital bed allocation and to look at escalations of delays in patient flow; so where there are delays in patients moving from one part of the hospital to another, for example, from the ED into a ward, that needs to be addressed. The restructuring of the Canberra Hospital patient flow unit is giving that part of the hospital the authority to deal with those blockages.

Finally, we are focusing on developing and implementing a medical engagement strategy to strengthen the role of medical staff in supporting patient flows and improving the active and positive contribution of those medical staff to maintain and enhance the performance of the organisation as a whole.

There are many things we can do in the hospital environment. We can improve capacity, we can improve infrastructure and we can employ more staff. But we also need to focus on the culture of the organisation and how it works collaboratively to deliver timely care, and that is a very important focus for me as Minister for Health.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, do you have any further explanation for why you have been presenting false data about ED performance, waiting times, in your recent quarterly reports?

MR CORBELL: I thank Mr Hanson for the question. As Mr Hanson well knows, there were two errors in that report which the government has identified and addressed.

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson.

MR CORBELL: It may very well be the case that Mr Hanson is going to continue his scare campaign in this area, but what I would say in rebuttal to him is that if his suggestion is that by reporting worse performance than was actually the case it is somehow a deliberate measure on the part of the government, if it is the case that—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson.

MR CORBELL: we report worse performance than actually occurred—

Mr Hanson: Sneaky Simon.

MR CORBELL: Madam Speaker, Mr Hanson knows the form of this place.

MADAM SPEAKER: Order! Withdraw, Mr Hanson.

Mr Hanson: I withdraw, Madam Speaker.

MR CORBELL: If the suggestion from the Leader of the Opposition is that we report worse performance than is actually the case as a deliberate tactic, then I think he has been—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson.

MR CORBELL: I think Mr Hanson has been reading just a little bit too much Machiavelli.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, based on your false data, why did you claim that ED waiting times were improving when that was not true?

MR CORBELL: Mr Hanson's assertion is untrue.

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MR CORBELL: It is completely untrue. We reported as a result of an error in two areas only worse performance than was actually the case.

Hospitals—obstetrical complications

MRS JONES: My question is to the Minister for Health. Minister, an Australian Institute of Health and Welfare report released on 16 March this year revealed that Canberra hospitals had the highest rate of hospital acquired complications in the country. For example, Canberra women and babies have the highest rates of hospital acquired problems of anywhere in Australia. These problems can be complications of or unsuccessful interventions in labour and delivery. The higher rates of complications are for both women who are day patients and for those who stay overnight. Canberra hospitals have similar levels of complex patients as the rest of the country, as is indicated, for example, by the fact that we have caesarean rates similar to the rest of the nation. Minister, if Canberra births are generally no more complex than in other states and territories, why do day patient women giving birth in Canberra have higher rates of complications after childbirth than women elsewhere?

MR CORBELL: We deliver quality maternity services as a jurisdiction. That is recognised by the increase in volumes that we see, particularly in the public hospital sector. So we see more—

Mrs Jones interjecting—

MADAM SPEAKER: Order, Mrs Jones. You have asked your question.

MR CORBELL: We are seeing more women, as a percentage, using public hospital maternity services than private hospital maternity services. So in many respects that does highlight a strong level of confidence in the system. To the extent that Mrs Jones and this report that she refers to identify concerns, those are matters that we have well-established processes to address. If Mrs Jones wishes to have some more detail around the specifics of these issues, I would be very happy to extend the offer of a briefing to her.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: I thank the minister for that. Minister, if Canberra births are generally no more complex than in other states and territories, why do overnight patient women giving birth in Canberra also have higher rates of complication after childbirth than women elsewhere?

MR CORBELL: Again, I refer Mrs Jones to my previous answer.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, are the ongoing concerns about a toxic culture in the TCH obstetrics department having any impact on clinical outcomes?

MR CORBELL: It is demonstrably not the case that there has been any impact on clinical outcomes. We have seen some very significant improvements in the workplace culture and in collaboration between senior and junior doctors at the obstetrics department. The clinical team have been working extremely hard to address the issues that were of concern in the past couple of years. I am very pleased to say that we are seeing significant improvements as a result. That is due to decisions taken to appoint new clinical leaders in a number of areas, to focus on closer collaboration between senior and junior doctors in the obstetrics department, and, finally, to work closely with the college in addressing the issues of concern that they have raised.

Certainly, the advice I have received highlights a high level of confidence from the college, as the accrediting body, that the issues that they identified as being of concern in the obstetrics department are being addressed. That is not me saying that; that is the college of obstetricians and gynaecologists, as the accrediting body looking at these matters. That gives me a high level of confidence that we are on the right track. There is more work to be done; there is no doubt about that. This is a long-term exercise. But the advice we have from the independent accrediting body is that we are responding appropriately and addressing the issues that were of concern to them in their report a number of years ago.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, are women being discharged sooner than is desirable because of a shortage of beds?

MR CORBELL: No.

Gaming—poker machines

MS LAWDER: My question is to the Minister for Racing and Gaming and relates to the community gaming model, the casino and poker machines at the casino. Minister, will the government table legislation to allow poker machines in the casino in this term of the government?

MR GENTLEMAN: I thank Ms Lawder for her question. It is not appropriate for me to foreshadow legislation that is going to be tabled in the future. We are working with the club industry on this program to ensure that they get the best support during this process. Of course, as you have seen in the media, we are working with the casino proponents as well on their proposition.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, why are you breaking the MOU that your government has with ClubsACT?

MR GENTLEMAN: We are not breaking the MOU. The MOU is in place this year, and we are sticking by the conditions of that MOU. It will be up for renewal at its defining point.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, has the government done a social impact study on the effect of 200 gaming machines in the casino on the surrounding community?

MR GENTLEMAN: Some studies have been done. I have not received briefs on those studies as yet but I am happy to provide that information as soon as it comes to hand.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, has the government done a business impact study on the effect of 200 poker machines in the casino on the surrounding clubs? If so, will you table that report?

MR GENTLEMAN: I have not been provided with any brief on a study in that respect. I can advise the Assembly that if and when it does come forward, I would be happy to provide that information.

Land—block 24, city

MR DOSZPOT: My question is to the Minister for Economic Development. Minister, regarding block 24, section 65 in the city, was the property valuation based on apartments being constructed on the block, despite Minister Corbell's assurance several years ago that apartments would not be allowed on the site?

MR BARR: I understand that Colliers' market valuation of the site represented the existing value of the site, plus a percentage of the development rights resulting from a lease variation and payment of the lease variation charge.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

Members interjecting—

MADAM SPEAKER: Order! I would like to hear Mr Doszpot. His voice does not carry often.

MR DOSZPOT: Minister, was the lease requirement to spend $1 million on the block fulfilled by the former owner?

MR BARR: I will take that question on notice.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, was the requirement to expend $1 million on landscaping at the site factored into the valuation which was agreed upon by the government?

MR BARR: I will need to take that question on notice.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, at what meeting of the LDA board was this issue raised and given approval for the acquisition of the block?

MR BARR: I am advised that the LDA provides financial delegations for the chief executive officer to purchase within the extent of the LDA's overall budget, with purchases over $10 million requiring prior LDA board approval. I understand that the various elements of the city to the lake project were discussed numerous times at LDA board meetings and I will provide the Assembly with the dates of those discussions.

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

Answers to questions on notice

Question No 731

MRS JONES: I seek an explanation for overdue unanswered questions on the notice paper. No 731 is to the Minister for Economic Development.

MADAM SPEAKER: Mr Barr, can you provide an explanation to Mrs Jones as to why her question was not answered on time?

MR BARR: No, I am not in a position to do so at the moment. I will check and ensure that Mrs Jones receives an answer to her question as soon as possible.

Question Nos 733, 734, 735, 736, 737, 738 and 739

MRS JONES: I seek an explanation from the Minister for Multicultural and Youth Affairs as to why question Nos 733, 734, 735, 736, 737, 738 and 739 have not been answered.

MADAM SPEAKER: Ms Berry, in relation to questions 733 to 739, can you give Mrs Jones an explanation as to why they have not been answered?

MS BERRY: Yes. The questions that have been asked on notice by Mrs Jones are quite broad in scope. We are working on responding to those questions and we will provide the answers to her as soon as we get through them.

Question No 745

MRS JONES: Question 745 is to the Minister for Health.

MR CORBELL: The reason it is late is that the draft has not yet been provided to my office for clearance. As soon as it is, I will ensure it is provided to the member.

Question Nos 749 and 754

MR COE: I seek an explanation as to why the Minister for Capital Metro has not responded to question Nos 749 and 754.

MR CORBELL: In relation to answer 749, I have signed off on that answer to Mr Coe. In relation to 754, the scope of the question is quite large and does require further time for it to be finalised.

Question No 753

MR COE: I also seek an explanation from the Minister for Transport and Municipal Services regarding question 753.

MS FITZHARRIS: I do apologise; I understand that answer will be provided before the end of the sitting week.

It being 3 pm, proceedings were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2016-2017

Mr Barr, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement and the following supplementary papers:

Budget 2016-2017—

Financial Management Act, pursuant to section 10—

Budget Speech (Budget Paper 1).

Budget in Brief (Budget Paper 2).

Budget Outlook (Budget Paper 3).

Budget Statements—

A—ACT Executive, Auditor-General, Electoral Commissioner, Office of the Legislative Assembly.

B—Chief Minister, Treasury and Economic Development Directorate.

C—Health Directorate, ACT Hospital Network.

D—Justice and Community Safety Directorate, Legal Aid Commission (ACT), Public Trustee and Guardian.

E—Environment and Planning Directorate.

F—Education Directorate.

G—Community Services Directorate, ACT Housing.

H—Transport Canberra and City Services Directorate, ACTION, ACT Public Cemeteries Authority, Appendix A: Discontinued Agency—Capital Metro Agency.

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent 2016-2017—

ACT Building and Construction Industry Training Fund Authority, dated 24, 25 and 26 May 2017.

ACT Long Service Leave Authority.

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.01): I move:

That this bill be agreed to in principle.

Introduction

The 2016-17 ACT Budget is a budget for an even better Canberra.

We are the world's most livable city.

We have world-class health and education systems, a thriving and dynamic business sector, and we care for those in need.

This budget delivers more services for the community and builds on our plan to secure a better future for Canberra.

It does this through careful investment and sensible policies to support economic growth.

Our previous budgets have supported the economy through the Federal Liberal Government's job cuts. We kept the economy growing and we kept people in work. Our economy is stronger as a result of our investment.

Today, service exports are at an all-time high, confidence is rising, and employment is up; we now have the lowest unemployment rate in Australia.

The budget is on a clear path to surplus. We have improved the budget position by $300 million.

This budget builds on everything that is great about Canberra to create an even stronger, more prosperous, fairer and more livable city.

That's why this budget continues to put the health, education and jobs of Canberrans first.

That's why this budget funds more nurses, more doctors and more teachers, more municipal services, more roads and road upgrades, more public transport, and more support for vulnerable Canberrans.

That's why this budget includes an unprecedented investment in safer families, with the biggest package to address family violence in the Territory's history.

While delivering these services today, we are creating an even better future.

We are returning to a balanced budget not by slashing jobs and services but by building confidence in our economy and supporting growth.

We are listening to Canberrans and delivering the services they want to make their life better and easier, whether it is investing in our hospitals, improving our schools, or providing better public transport, green bins for garden waste and more jobs.

We will continue to support local firms to grow, innovate and create jobs, we will keep encouraging investment, and keep diversifying our economy, particularly in growth sectors like higher education, research and the knowledge industries.

We are creating a smart, digital city. Canberra is a city where smart people want to live, where doing business is easy, where government transactions are simple, and where red tape is reducing.

We are continuing to make taxes fairer, simpler and more efficient. We have again cut stamp duty and payroll tax, and in this budget we abolish insurance tax completely.

This budget demonstrates the modern, caring, responsible values this Government holds: prudent economic management, providing world-class services, and caring for those who need a helping hand.

We have put people first *and* delivered jobs and growth.

Economic outlook in the ACT

Our economy has faced significant challenges over the last few years. Relentless Liberal attacks have threatened the prosperity of Canberrans across the city. But with support from this Government, the Territory has weathered that storm, and the outlook is now rapidly improving.

Economic growth is expected to increase to 2 per cent in 2015-16, up from 1.4 per cent in 2014-15 and 0.7 per cent at the height of the Abbott government cuts in 2013-14. So the one thing that is tripling in this city is the rate of economic growth.

Our unemployment rate has fallen to 4.1 per cent—the lowest in the country.

The economy created over 6,000 private sector jobs between February 2015 and February 2016.

Our economy is also more diverse. International service exports grew 16 per cent last year, to reach $1.6 billion. The Territory's service export growth over the last 15 years is the strongest of any state or territory.

Retail trade and building approvals show that confidence in our economy remains strong: the Territory recorded the highest retail growth of any jurisdiction over the past year, and our building approvals are growing—up 28 per cent in the past 12 months.

The Territory's population is forecast to grow at 1.5 per cent each year. We will reach 400,000 people later this year and are projected to reach 420,000 by 2019-20.

The investment outlook is also strong in the long term, with the successful efforts of this Government to attract direct international flights to Canberra Airport driving significant further opportunity and investment.

Our economy is on a stable path of vibrant and diversified growth, making it more resilient against future cuts from the Liberal Party.

Fiscal outlook

Building broad-based economic growth is important, because as hard as the Liberals have hit Canberra over the past few years, there is, of course, no guarantee they won't do it again. It is in their DNA.

First, the Federal Liberals cut support for important community programs. They cut back the Federal Government's share of health funding, they cut funding for concessions, and they walked away from their promise on education funding.

Then they cut thousands of public sector jobs—hurting the services that Canberrans and Australians rely on and, in turn, hurting the ACT economy.

Finally, they failed to take responsibility for their failure to protect Canberrans from asbestos. It was the Territory Government that stepped in to remove, once and for all, loose-fill asbestos from Canberra's homes.

All these factors hit the Territory's finances very hard.

My Government has tackled these challenges by supporting the Canberra community and supporting our economy. We used our strong budget position to stimulate the economy, to support jobs and support growth.

This budget confirms that the Government's fiscal strategy, and the budget outlook, remains firmly on track.

The General Government Sector Headline Net Operating Balance has improved every year since the Budget Review.

Consistent with last year's budget, the Government is forecasting a return to balanced budgets in 2017-18 and 2018-19, with strong surpluses from 2019-20 onwards.

Our net debt remains at prudent levels, and we have kept a stable AAA credit rating—the strongest possible credit rating.

Taxation reform

The 2016-17 Budget completes the first five years of the ACT's nation-leading tax reforms.

Our reforms are making taxes fairer, simpler and more efficient.

A stable revenue base will fund the high-quality government services Canberrans deserve and expect.

While we are transferring revenue from inefficient to efficient taxes, we are doing so without increasing the overall revenue take. The Territory remains a low-taxing jurisdiction. Taxation per capita is lower than the national average.

I am pleased to confirm that, consistent with our 2012 pledge, taxes on insurance will be abolished from 1 July this year.

As a result, a Canberra household paying a combined $3,000 per year in a range of insurance premiums—home content, comprehensive motor vehicle, building and the like—will save $300 each year.

A business with $10,000 of insurance premiums will save $1,000 per year.

We are also giving small and medium businesses a further tax cut by increasing the payroll tax threshold, from $1.85 million to $2 million—the highest payroll-tax-free threshold in the nation.

Since 2012, we have lifted the tax-free threshold from $1.5 million to $2 million. This means about 200 local businesses no longer pay any payroll tax, and all businesses with a payroll of more than $2 million have received an annual tax cut of $34,250.

In this place we all know that conveyance duty is an unfair and inefficient tax that makes buying a property more expensive. That is why my government is reducing stamp duty every year.

We have cut conveyance duty by more than 30 per cent for three-quarters of residential property transactions and for half of commercial property transactions.

Stage Two of the reform program starts in 2017-18, and we will cut stamp duty even further.

Residential duty will be cut every year. By the completion of the second stage of reform in 2021-22, duty on an average Canberra home will be more than halved, saving the buyer of a $500,000 property $10,500.

For commercial property transactions below $1.5 million, duty will be cut by 50 per cent in 2017-18, and then abolished completely on 1 July 2018.

Large commercial transactions will also see a further duty cut and will attract a flat duty of 5 per cent—considerably lower than in New South Wales and Victoria.

Economic growth and diversification for Canberra

The Government's goal is to accelerate Canberra's development as a hub of innovation and progress.

In recent times, Canberra's economy has transformed.

We have shifted from a city whose fortune relied on decisions of the Commonwealth to a resilient place with its own distinct voice. We have cemented our position as a regional hub in south-east New South Wales. We have attracted major international investors and drawcards such as IKEA and direct international flights through Singapore Airlines.

I am proud of this Government's role in facilitating this transformation. We will continue to lead the development of our great city.

This budget drives further diversity in our economy.

We will provide extra support to promote Canberra to the new markets opened up by Singapore Airlines direct international flights. I am pleased to report to the Assembly that the past 12 months saw a record number of international visitors in our city, which will only increase when the flights start in September.

We are providing extra support through our business development program, building on its success in helping local businesses to grow and create jobs.

We will also reform the way people and businesses interact with government. We are reducing red tape by getting rid of unnecessary or outdated requirements and by simplifying licensing processes.

The Government will also support the economy, and support Canberra's needs as our city grows, by investing $2.9 billion in infrastructure over the coming four years.

We are building nearly 1,300 new public housing homes—that is around 10 per cent of the ACT's public housing stock—duplicating major roads, and making unprecedented investments in public transport through our support of buses and the light rail project.

The land release program over the coming four years will see sites for about 18,000 new dwellings released. This will keep downward pressure on home prices and accommodates the Government's affordable housing targets and initiatives.

Health and education investment for Canberra

High quality health and education services are the building blocks of happy, healthy and productive lives.

The Territory Government will make sure that every Canberran gets the quality services they deserve and that access to those services will never depend on the size of their wallet.

This budget invests in mental health, because my Government knows that improving mental health benefits everyone—individuals, friends, family, colleagues and the broader community. We are determined that preventable health conditions should be prevented, and that chronic health conditions are managed before they become acute.

I am proud of this Government's record of investment in health, which in the coming year is more than $1.5 billion—around a third of the Territory budget.

We are investing across the health portfolio, including expanding Canberra Hospital's emergency department and intensive care unit. We will establish the Canberra Clinical Genomic Service to focus on the emerging field of personalised medicine, providing cutting-edge research and services in our city.

High-quality education is one of the best investments we can make in our community and our economy.

We are helping parents engage with schools, providing more support and training for teachers and more school psychologists, and upgrading sensory spaces. We are building new world-class schools in our suburban growth areas. We are investing in our teachers. Most importantly, we are providing the support that disadvantaged students need.

We are ensuring that a quality education is for everyone, not just for those whose parents can afford it.

By giving the gift of learning our teachers are transforming young lives and giving kids the values and skills that they need and that our community needs.

The success of our economy and workforce depends on world-class vocational and higher education.

That's why we support the rapid growth of our higher education sector, why we have empowered the University of Canberra to grow and compete on the world stage, and why we are investing in modernising the Canberra Institute of Technology's facilities and courses.

Enhancing liveability and social inclusion for Canberra

Everyone has the right to feel safe in their home. Family violence is unacceptable. It is not a police problem or a government problem or a poor people's problem or a Canberra problem. It is everyone's problem.

Family violence does not discriminate; it is a national issue that touches the lives of Australians everywhere. In Canberra we've seen our share of tragedy. All of us need to stand up and say enough is enough. There is no place for family violence in our community.

In this budget we make a stand, we make a stand together. This budget makes an unprecedented $21.4 million investment in keeping Canberra families safe.

Recent reports commissioned by the Territory Government, together with the Victorian Royal Commission, make it clear that we need to take more action and we need new sources of revenue to fund it.

In this budget we take decisive steps to address coordination and communication issues to help our hardworking staff on the front line to identify and prevent family violence. We will make the changes we need in the criminal justice system so that it is easier for victims to navigate and easier to take strong action against perpetrators.

To prevent these crimes before they happen, we'll make it easier for victims of violence to find safety and we'll invest in counselling, treatment and education to stop Canberrans turning to violence.

Similarly, my Government is committed to ending the disadvantage faced by many in our Aboriginal and Torres Strait Islander community.

We articulated our commitment to address this inequality through the *ACT Aboriginal and Torres Strait Islander Agreement 2015-18*.

Today's budget goes further, with extra funding for a suite of measures to improve outcomes for Aboriginal and Torres Strait Islander peoples.

Our response is multi-disciplinary, touching all areas of government, including health, justice, community services, education and the environment and land management.

The Territory has been at the forefront of the once-in-a-generation opportunity for change offered by the National Disability Insurance Scheme.

The independence and quality of life outcomes offered by this Scheme are vital for persons with disability. That is why this budget increases funding to make sure these ambitions become a reality.

We all rely on our emergency services to keep us safe in times of need. This budget provides upgrades and new facilities across the Territory, including a new SES station in Calwell, upgrades to the Fyshwick Fire and Rescue Station and Guises Creek Rural Fire Station, and major ICT upgrades.

We will keep investing in and reforming our justice system. A Public Private Partnership for the new Law Courts project is underway, and this budget also provides extra support for the police and extends the successful ThroughCare program.

Suburban renewal and better transport for Canberra

Canberrans know this is one of the world's great cities to live in. Canberra has always been a great city in which to raise a family, but truly great cities are attractive for all.

This is exactly the city that Canberra is rapidly becoming. We are a city that attracts and retains young, creative and educated people; a city that works with and for innovators and entrepreneurs; a city that retirees want to call home; a city that visitors from Australia and around the world enjoy; and a city that Canberrans are proud of.

This budget provides even better services to Canberrans—the services that Canberrans want to make sure our city has the look and feel it deserves. In the coming year there will be a pilot of green waste bins in Kambah and Weston Creek to prepare for a roll-out right across Canberra. We will also provide new playgrounds and invest in the water quality of our lakes and waterways.

As our city grows, my Government will make sure the Canberra we build together will be a city with a place for everyone: a city with new suburban homes; with new urban villages; and with the public places and parks we all value.

We're building new communities in Gungahlin, the Molonglo Valley and Tuggeranong. We're building the community infrastructure to go with them too, like a new pool for Weston Creek and Stromlo. We're also investing in our existing communities, upgrading local shopping centres and making it easier to walk and ride to our local schools.

With developments in existing parts of Canberra, such as the City to the Lake and the Canberra Brickworks projects, we are bringing new people and new life to the heart of our city. As well as delivering almost 1,300 new homes for some of the most vulnerable in our community, our public housing renewal program provides homes close to transport and services.

Many of these new homes will be on the Northbourne Avenue corridor, alongside one of the most transformational projects in this city's history: our first light rail line.

I am proud that my Government has signed the contract for the building of the first stage of a city-wide light rail network—just as our city was designed to have. Light rail will connect our city's heart to its fastest-growing region, reducing travel times and helping Canberra become the city it was always meant to be. I look forward to announcing the details of stage two of the project.

We have brought responsibility for transport together in a single place, and this budget backs our ambitions for transport in this city with investments in buses, new park and ride facilities, and integrated ticketing.

We are a government that recognises that car travel will always be an important part of Canberra life. That's why we're duplicating key roads such as Horse Park Drive, Ashley Drive, Cotter Road and Aikman Drive, and increasing funding for road maintenance.

Caring for our environment continues to be a high priority for the Government. The Territory is leading Australia in our response to climate change, with 100 per cent of our power for the city of Canberra to be provided by renewable energy by 2020.

We are expanding our city's nature reserves, improving species and habitat protection and cleaning up our city's waterways. We are continuing to invest in sustainable public transport, and we are doing even more to encourage walking and cycling: active transport for Canberra.

Conclusion

This budget delivers the services Canberrans need and builds our economy to expand those services in the future.

We are returning to a balanced budget in a progressive way by investing in our economy and supporting our community with jobs and services.

We are listening to Canberrans and delivering the quality services they expect: in schools, hospitals, transport and in Canberra's great suburbs.

We are caring for vulnerable Canberrans.

We are helping local businesses to grow and create jobs, and encouraging investment and diversification in our city's economy.

By funding the services and infrastructure Canberrans deserve and expect, by continuing to lay the foundations for the long-term growth of our economy, and by ensuring we have a happy and healthy community, we are delivering for Canberrans today and securing a better future for our city.

I commend the Budget to the Assembly.

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

Appropriation (Office of the Legislative Assembly) Bill 2016-2017

Mr Barr, pursuant to notice, presented the bill, its explanatory statement, a Human Rights Act compatibility statement and the following supplementary paper:

> Budget 2016-2017—Financial Management Act, pursuant to sections 20AA and 20AC—Appropriation (Office of the Legislative Assembly) Bill 2016-2017—Statement of Reasons—Departure from Recommended Appropriations.

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.27): I move:

> That this bill be agreed to in principle.

This bill is the mechanism for the appropriation of moneys for the 2016-17 financial year for the Office of the Legislative Assembly and officers of the Assembly, the Auditor-General and the Electoral Commissioner. The bill provides for appropriations for the Auditor-General, the Electoral Commissioner, and the Office of the Legislative Assembly in relation to controlled recurrent payments, capital injections and payments to be made on behalf of the territory.

Section 20 of the Financial Management Act requires that a statement of reasons be tabled after the introduction of the Office of the Legislative Assembly Appropriation Bill should the government depart from the Speaker's recommended appropriation. I table that statement now, and commend the appropriation to the Assembly.

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

Safer Families Levy Bill 2016

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.29): I move:

> That this bill be agreed to in principle.

Today I am introducing a very important bill to help support vital initiatives of the government in the prevention of domestic and family violence. Family violence is an issue across Australia, and increasing numbers of people in our local community are reporting family violence and its devastating impacts. This government remains committed to a family violence prevention program, and that is why we are introducing this bill.

The Safer Families Levy Bill amends the Rates Act 2004 to establish a new levy to ensure there is sufficient funding locked in in the long term for the delivery of domestic and family violence prevention initiatives. Funding raised from the levy will support a range of urgent actions in our community to create safer families through whole-of-government and community-backed responses to family violence.

These initiatives seek to prevent violence against women and their children, consistent with the ACT prevention of violence against women and children strategy 2011-17. The safer families levy will be applied equally across all residential and rural ACT properties as an annual charge alongside general rates. To achieve this, the bill makes amendments to the Rates Act to implement the levy. The amount of the levy will be determined by disallowable instrument, and as of 1 July 2016 it will be $30 per residential and rural property.

Similar to the approach taken in the forthcoming Rates (Pensioner Rebate) Amendment Bill, I will authorise a disallowable instrument under my existing powers in the Taxation Administration Act to implement the levy from 1 July 2016 as I have announced in the budget. The Assembly will consider the bill in August. The levy will ensure that secure and predictable revenue is collected to support these vital initiatives. The levy will raise funds to support the important work and reforms of the ACT government and the community in response to family violence.

Just a few of the initiatives that this levy will fund are a full-time coordinator-general for family safety to lead the whole-of-government effort to improve outcomes for domestic and family violence victims; integrated case management and coordination of family violence services; more training for front-line staff; translation and interpreting services; enhanced quality assurance and support for improved decision-making in the area of child protection services; an innovative residential behaviour change program for men who use or are at risk of using violence; and improved access to legal aid.

In conjunction with the family violence and personal violence bills presented this morning by the Attorney-General, this levy plays an important part in establishing a cohesive government and community service response to domestic and family violence in the territory. I wholeheartedly commend this bill to the Assembly.

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

Visitor

MADAM SPEAKER: Before I call Mr Barr again, I acknowledge the presence in the gallery of Mr Akbar Khan, the newly promoted Secretary-General of the Commonwealth Parliamentary Association. Welcome to the ACT Legislative Assembly.

Rates (Pensioner Rebate) Amendment Bill 2016

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.33): I move:

> That this bill be agreed to in principle.

Madam Speaker, I present to the Assembly the Rates (Pensioner Rebate) Amendment Bill 2016.

As part of the 2016-17 budget, sensible and fair changes are being made to elements of the ACT concessions program as a result of the 2014-15 concessions review and the extensive community consultation process that has followed. These changes will improve equity in access to various concessions available to the community, whilst maintaining support for those community members most in need of assistance. This bill amends the assistance provided under the concessions program by the general rates rebate, administered through the Rates Act 2004. This rebate assists eligible home owners with the cost of their general rates.

Under the Rates Act, eligible pensioners can receive a rebate of general rates and the fire and emergency services levy on their principal place of residence. Eligible pensioners who received the rates rebate prior to 1 July 1997 have continued to receive a 50 per cent rebate of their general rates since that time with no monetary limit or maximum ever imposed. Therefore, whatever the rates liability, eligible participants always receive a 50 per cent discount on their rates. This rebate, known as the uncapped rebate, continues to apply until a person ceases to be an eligible pensioner for the scheme. There are approximately 3,000 households in the territory currently accessing the uncapped rebate.

Those pensioners who entered the rates rebate program on or after 1 July 1997 do not have access to the uncapped rebate but are able to access the capped rebate scheme. As the name suggests, the capped rebate does have a set limit on the amount of the rates discount. Pensioners under this scheme may receive a 50 per cent rebate of their

rates up to a determined limit or cap. This cap will continue at $700 per property in 2016-17. There are 12,000 properties across the ACT that are currently eligible for the capped rebate.

Additionally, any pensioners eligible for a rebate under either the uncapped or capped rates rebate scheme also received a rebate on the fire and emergency services levy. It has become apparent that whilst these rebate schemes provide important assistance to pensioners across the ACT, there is an inequity in the level of assistance provided by the uncapped and capped schemes. For example, neighbours with similar properties in similar circumstances in the same suburb, even in the same street, could be receiving very different levels of rate rebates as one is participating in the uncapped rebate scheme and the other in the capped scheme.

This bill addresses this issue by reducing the gap between the uncapped and capped scheme over time, improving the equity of the program and addressing the current disparity. From 1 July 2016, the uncapped scheme will be amended and the rebate amount available to participants will be the lesser of the amount the person received as a rebate in the previous year or 50 per cent of their rates liability. In essence, this bill freezes the rebate amount available to uncapped rates rebate scheme participants. As I said earlier, there will be no changes to the capped rebate scheme, with the 50 per cent rebate still available up to the determined cap in 2016-17 of $700.

The bill has been carefully drafted to ensure the least possible impacts on pensioners. Should a person in the uncapped program receive a rebate as a result of the amendments that is less than or equal to the determined capped rebate amount for that year, that person will transition from the uncapped to the capped scheme. This ensures that no pensioner will have their rebate capped at an amount less than the rebate cap.

In conjunction with the rates rebates amendments, the rebate for the fire and emergency services levy will in future be determined by disallowable instrument rather than the automatic 50 per cent concession. In the 2016-17 budget the rebate has been set at $98. This better aligns the levy rebate with the general rates rebate, which is likewise subject to a cap set by disallowable instrument.

This bill presents fiscally responsible amendments that limit the growth of rebate amounts indefinitely into the future. The bill is structured, however, to have as little impact on households as possible. Freezing the uncapped rebate amount rather than reducing it or ceasing the program altogether maintains the level of assistance currently provided to eligible pensioners whilst closing the gap between capped and uncapped recipients.

I have announced in the budget that these changes will commence on 1 July 2016. To ensure confidence and clarity, I will enact a disallowable instrument under the existing powers in the Taxation Administration Act to introduce these changes, and the Assembly will, of course, consider this bill in August.

This bill represents just one step in ensuring the fairness and sustainability of the concessions program, and it reinforces the government's commitment in the budget of providing an extra $35 million in funding to concessions and assistance for those who need it most. I commend this bill to the Assembly.

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

Paper

Mr Barr presented the following paper:

> Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 March 2016, including financial instruments signed during the quarter.

Planning, Environment and Territory and Municipal Services—Standing Committee
Reference

MR COE (Ginninderra) (3.41), by leave: In accordance with the amended amendment circulated to members, I move:

> Omit all words after "that", substitute "pursuant to standing order 174, the Waste Management and Resource Recovery Bill 2016 be referred to the Standing Committee on Planning, Environment and Territory and Municipal Services for inquiry and report by 29 July 2016 and, if the Assembly is not sitting when the Committee has completed its inquiry, it may send the report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation.".

Ms Fitzharris: Was the amendment circulated?

MADAM ASSISTANT SPEAKER: I understand it has been circulated.

Ms Fitzharris: I have not seen an amended one, but that is fine. I understand it is 29 July?

MADAM ASSISTANT SPEAKER: That is right. That is the amended amendment.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (3.42): I am confident that this bill will be well received by the committee but look forward to its deliberations and to its engagement with the longstanding community and business reference groups that have informed the development of this draft bill.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Perlita Swinbank

MR COE (Ginninderra) (3.43): I rise this afternoon to speak about a remarkable Canberran, the late Perlita Swinbank. Perlita was a woman of substance. Perlita served more than four terms in the Filipino Communities Council of Australia, FILCCA. She was the state representative as FCCACT president for two terms, for a total of four years, and was FILCCA's vice president internal from 2012 to 2014 and FILCCA's vice president external from 2014 to 2016.

Sadly, Perlita died on 1 May from pancreatic cancer. Her funeral was held on 9 May at St Peter Chanel's Catholic church in Yarralumla and was extremely well attended by family and friends as well as by the Philippines ambassador to Australia; the Philippines consul-general; the President of the Filipino Communities Council of Australia, Ms Aida Garcia, from Adelaide; and the New South Wales representative, Ms Ethel Singzon, from Sydney.

Eulogies were given by Ms Cecilia Flores, president of FCCACT, and by Estela White, who had been a friend of Perlita since they both arrived in Canberra almost 39 years ago. Cecilia Flores spoke personally about Perlita's influence as her mentor, as well as about Perlita's service to her community. She noted that during Perlita's two terms as FCCACT president she actively shaped and formed a cohesive group of 11 associations in the territory.

Perlita made an outstanding contribution to Pasko sa Canberra and other Filipino community and multicultural events which helped establish solidarity and goodwill among associations, and championed the cause of indigent citizens in the Philippines. At the Filipino national conference held Perth in 2012, Perlita received a leadership award. And at the conference in 2014 she was the leadership awards committee manager.

Estela White told the gathering that Perlita was born to a loving and close family in the Philippines in 1950, was the eldest of five siblings and was the only daughter.

Perlita and her husband, Chris, supported a number of charities, including Friends of Samar, which was established by Perlita to provide scholarships to students from her home island of Samar. She also raised funds to improve the village of Buluan where her mother's family were from. Perlita organised an annual fiesta in Buluan, and she returned to Samar each October to celebrate her birthday, to attend the fiesta and to raise more funds for Samar. Some of the community improvements from Perlita's fundraising included a new basketball court and amenities blocks for the school.

As well being a dedicated leader of her community, Perlita was a kind, loving, generous and caring person and a very loyal friend. I would like to thank Cecilia and Estela for their moving tributes to Perlita. As well, I would like to offer my own condolences to Perlita's husband, Chris, as well as to her family. Chris also spoke in a very moving way about their relationship. Perlita was mother of James and Adrianna; stepmother of Matthew, Andrew and Meredith; grandmother of baby Beatrix;

mother-in-law of Taylor and Rhonda; sister of Marlon and Rolando; and the aunt of many nieces and nephews. She will be greatly missed by her family here and in the Philippines and by her many friends, particularly the Filipino community in the territory.

Question resolved in the affirmative.

The Assembly adjourned at 3.48pm.