Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

9 JUNE 2016

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Thursday, 9 June 2016

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(Quorum formed.)

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

Petition

The following petition was lodged for presentation, by **Mr Doszpot**, *from 591 residents*:

Red Hill public housing—petition No 3-16

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

- The density of housing for the Red Hill Public Housing site enabled by Variation 334 is unacceptable in a local centre, and the revised proposed height limits are unacceptable.

Your petitioners therefore call on the Assembly to request the Government to:

- Change the zoning to medium density (i.e. RZ3) and apply best practice principles in accordance with leading green building guidelines, and the standard provisions of relevant building codes.
- Limit the height to two storeys on all boundaries and three storeys at the centre of the site.
- Limit the number of dwellings on the site to 250.
- Reduce office space and substitute for example Retail, Medical, Cafe, or Restaurant

Your petitioners also call on the Standing Committee on Planning, Environment, Territory and Municipal Services to conduct an inquiry into Variation 334.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received. Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Planning, Environment and Territory and Municipal Services

MR DOSZPOT (Molonglo), by leave : The petition I have presented today comes from 591 concerned Red Hill and fellow ACT residents who are calling on the government to reconsider their approach to the redevelopment of the Red Hill public housing estate and to take time to listen to the community. I would like to acknowledge the Red Hill residents who have joined us here this morning in the Assembly.

This is the second petition on this issue. Last September I presented a petition on behalf of more than 500 Red Hill residents requesting that the ACT government review the effect of draft variation 334 on the Red Hill community and surrounding suburbs. The ACT government's response was underwhelming, to say the least, and, frankly, insulting. The minister for planning was very slow to respond, and in fact did so only in December 2015, after the Assembly had risen for the summer break.

After Minister Gentleman tabled his response in the Assembly in February, I circulated it to the Red Hill community. Their overwhelming view was that the minister's response was wholly inadequate and that the community's overwhelming rejection of the rezoning of the Red Hill public housing estate to RZ5 would be ignored.

The community's rejection of DV334 should have been obvious to the minister, as 93 of the 97 formal submissions were against such high density development. The minister's and the government's blatant disregard for overwhelming opposition to the scale and bulk of the development enabled by DV334 was again on display when the minister approved the variation in February this year.

He disingenuously claimed he had listened to the concerns of the community and reduced the height from six storeys to four storeys. What the minister failed to announce to the media and to residents on that day was that he had agreed to the insertion of an "additional storey clause" which enables a future developer to build an additional storey, not just on the four-storey sections but on all the other sections of the site. So areas previously constrained to two storeys are now enabled for three storeys, and areas previously restricted to three storeys are now enabled for four storeys.

The minister also failed to announce that, in doing so, he had engineered the wholesale removal of all but two of the desired character statements. Those desired character statements are one of the primary mechanisms which guide the overall appearance and acceptability of any future development and underpin the rights of the surrounding community and all ACT residents to obtain a sensible outcome on the site.

The Red Hill community are calling on the minister and this government to explain to the community who requested the additional storey clause and who requested the removal of the desired character statements. My colleague Alistair Coe and I met with Red Hill residents in February to listen to their concerns and assure them that, should we win government this year, our plans for the site would be based on RZ3 zoning.

Today, through this petition, the residents are asking that the scale of the development be restricted so as not to impact on roads and schools, and that the height of the development be restricted to minimise its impact on the community.

In the Assembly in March I moved that variation 334 be rejected. Minister Rattenbury failed his own constituents again by again siding with the government. However, he did indicate that he had brokered a deal with the minister for planning that would see the reinsertion of desired character statements through a technical amendment.

Attempts by the residents group to engage with Mr Rattenbury's and Mr Gentleman's offices to discuss that have been met with a resounding silence, and it comes as no surprise that the technical amendment that Mr Rattenbury promised would be available for public consultation around Anzac Day has still not been released for comment.

The consultation process for this change to the territory plan has been going for nearly two years and after each round of consultation local residents tell me that, with perhaps some minor gains, there have been more significant losses, and that their concerns have still not been addressed.

Residents rightly want to know why the government refuses to put a cap on the number of dwellings. They want to know that their roads will still be safe and not congested with additional traffic. They want to know that the school will not suffer overcrowding or need to be upgraded at taxpayers' expense due to the increased capacity potential of the area for the school. They also want to be assured that sufficient parking will be provided so that they do not all have to walk to the Manuka shops or commence bicycle hill training.

Variation 334 will lead to a deterioration of our city's sustainability because it is an inappropriate location for high density living. RZ5, the highest residential zoning possible, was designed for close proximity to town centres and major thoroughfares, and Red Hill meets neither of these characteristics. What is more alarming is that this variation sets a precedent for the highest residential zonings to be located anywhere in the ACT without regard for sustainability.

It is clear that the government has not thought through the consequences of this variation. I would urge the government, including Minister Rattenbury, to acknowledge the views of residents and support an inquiry by the Standing Committee on Planning, Environment and Territory and Municipal Services. I commend this petition to the Assembly.

Reconciliation Day
Ministerial statement

DR BOURKE (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors) (10.10): Members would be aware of my thoughts regarding replacing the Queen's Birthday public holiday as outlined in the article published in the *Guardian* on 18 January this year.

Essentially, I argued that the Queen's Birthday public holiday is losing some significance and should be replaced to commemorate something of more contemporary significance. In this regard I suggest the public holiday could be replaced with a day on which the ACT community could celebrate and support the journey of reconciliation.

I seek to open the discussion with community and business about replacing one of the territory's legislated public holidays, such as Family and Community Day or the Queen's Birthday public holiday, to introduce a Reconciliation Day public holiday.

Reconciliation is about building better relationships between the wider Australian community and Aboriginal and Torres Strait Islander peoples for the benefit of all Australians. Now is an opportune time to intensify recognition of the importance of making progress to achieve reconciliation in Australia.

2016 marks 25 years of formal reconciliation in Australia, beginning with the establishment of the Council for Aboriginal Reconciliation in 1991. It is also 15 years since Reconciliation Australia was formed and there have been 10 years of success for its national reconciliation action plan—RAP—program.

Next year will also mark 50 years since the 1967 referendum to allow Aboriginal people to be counted in the census and to remove a reference in the Australian Constitution which discriminated against Aboriginal people. Next year will also mark 25 years since the Mabo decision in 1992 which declared that terra nullius should not be applied to Australia.

We must continue to celebrate the achievements and the goodwill of the past 25 years. To create positive change we need more people talking about the issues and coming up with innovative ideas and actions that make a difference.

A key theme in achieving reconciliation and measuring progress towards reconciliation is unity. Unity in this context is understood as meaning where Aboriginal and Torres Strait Islander histories, cultures and rights are valued and recognised as part of a shared national identity. Reconciliation is therefore not simply about improved services and economic independence; reconciliation promotes political unity, helping all of us to feel connected to tens of thousands of years of life and culture in this country.

To achieve reconciliation, we need to develop strong relationships built upon trust and respect that are free of racism, and opportunities for full participation in the life of the nation: everything from employment to identifying national symbols of which we can be proud. While it may not be possible to create direct person-to-person interaction for all Australians, there are many ways to learn more about each other. The latest *State of reconciliation* report found that most Australians support reconciliation and believe that political, business and community institutions should do more to advance reconciliation.

The ACT government is well advanced on its journey to reconciliation, seeking to work in partnership with all the diverse elements of the Canberra community to deliver its social inclusion and equality program. The central goal is to help every person reach their full potential as a member of our diverse, inclusive and creative community. This means implementing policies and practices that respond to poverty, deprivation and disadvantage, as well as cultural and systemic problems such as homophobia, sexism, racism and family violence.

The ACT is building a strong record in public policy innovation that boosts social inclusion and equality. Among other initiatives already underway, the ACT has enacted human rights legislation, established the Aboriginal and Torres Strait Islander Elected Body and enacted the marriage equality act 2013, and will be the first jurisdiction to have all eligible people in the NDIS.

The ACT government seeks to find practical paths to reconciliation, to work more closely with Aboriginal and Torres Strait Islander people to achieve more equitable outcomes and celebrate their diverse cultures and contributions to the life of the capital. This impetus has found practical expression through the recently signed ACT Aboriginal and Torres Strait Islander agreement 2015-18 and the ACT Aboriginal and Torres Strait Islander justice partnership 2015-18.

In 2015 the Chief Minister, my predecessor as Minister for Aboriginal and Torres Strait Islander Affairs, the Head of Service and the previous Chair of the Aboriginal and Torres Strait Islander Elected Body signed the ACT Aboriginal and Torres Strait Islander agreement, which commits all parties to promoting an empowered, resilient community with increasing control over its future.

This agreement's statement of commitment to reconciliation and wellbeing, amongst other matters, commits all parties to the principles of recognising the ongoing effects of trans-generational trauma caused by past government policies and allowing Aboriginal and Torres Strait Islander people to freely pursue their economic, social and cultural development.

Members would also be aware of the ACT Aboriginal and Torres Strait Islander justice partnership 2015-18 which seeks to continue the work of the 2010-13 agreement in addressing Indigenous over-representation in the ACT justice system, as both victims and offenders, and to reduce incarceration rates.

In 2016 we now have in place changes to the ACT human rights legislation that bring about small but significant enhancements to the protection of Aboriginal and Torres Strait Islander cultural rights, rights acknowledged most importantly in the material and economic relationships that Aboriginal and Torres Strait Islander people have with land, waters and other resources. These legislative changes arose from the 2014 review of the act and consultation with the human rights commissioner and the elected body.

Across Australia, the most practical expression of commitment to reconciliation is the national reconciliation action plan program, which helps workplaces and educational institutions to facilitate understanding, increase equality and develop sustainable employment and business opportunities.

The 2015 RAP impact measurement report found that reconciliation is progressing more quickly in workplaces with RAPs. RAPs are proving to be powerful tools for advancing social change by transforming the attitudes and behaviours of the three million people studying or working in organisations with a RAP.

A number of ACT government directorates have already implemented a RAP and others are under development. However, in the territory not everybody works or studies in places where there is a RAP. A public holiday dedicated to reconciliation would extend into the public sphere the positive trend achieved in workplaces and educational institutions where RAPs are already in place.

A Reconciliation Day public holiday is an innovative approach to broadening the audience and keeping reconciliation in the public conversation. It provides for whole-of-community recognition of Aboriginal and Torres Strait Islander culture and history, with many possibilities for ways that the day could be themed and celebrated.

That is why I am here today to announce that the ACT government will commence consultation with all Canberrans on the proposal for a day of reconciliation. The ACT could make history and be the first jurisdiction to make reconciliation the subject of a public holiday. I look forward to consulting further about this proposal and look forward to reporting back to the Assembly in August on the outcomes of the consultation. I present the following paper:

> Reconciliation Day public holiday—Ministerial statement, 9 June 2016.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Radio Print Handicapped
Ministerial statement

DR BOURKE (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors) (10.18): Madam Speaker, I wish to update members on the outcomes of the government's actions related to the private member's motion from 10 February 2016 in relation to print handicapped Radio 1RPH. The motion called on the ACT government to, one, work with print handicapped Radio 1RPH to identify alternative funding streams and business development opportunities in order to sustain its financial viability; two, write to the federal minister for disability drawing this matter to his attention; and three, report back to the Assembly by the last day of the June sitting period.

I am pleased to inform the Assembly that the ACT government has been advised that print handicapped Radio 1RPH have been successful in obtaining a grant from the National Disability Insurance Agency for $39,000. This funding, which is for 12 months, allows print handicapped Radio 1RPH to deliver an information linkage and capacity building service by varying its service model to broadcast information about the national disability insurance scheme to the ACT and surrounding region.

I can also inform members that I wrote to the Hon Christian Porter, federal minister for disability, on 4 April 2016 highlighting the funding issue faced by print handicapped Radio 1RPH. The ACT government is committed to supporting all disability providers through the transition to the national disability insurance scheme, including the implementation of information linkages and capacity building, and is investing in resources to assist providers to prepare and reform their business and services models where necessary.

In 2015 ACT providers had two opportunities to apply for tailored NDIS development assistance through NDIS business investment packages valued at up to $50,000 per organisation. Applications were open on 1 February 2016 for a further round of business investment packages. Information linkages and capacity building providers, including print handicapped Radio 1RPH, wishing to change their service model were prioritised for this funding.

I am pleased to inform the Assembly that in addition to the $39,000 grant from the NDIA, Radio 1RPH has also been awarded a business investment package of $50,000 to work with a consultant to review its organisational business plan and to create relationships with potential funding and sponsorship partners.

This is on top of the $20,000 funding and governance package that print handicapped Radio 1RPH received in 2014 to better prepare the organisation to strengthen its business practices. The Community Services Directorate has met with print handicapped Radio 1RPH on a number of occasions to discuss with them how they may best utilise their $50,000 business investment package. I can assure the Assembly that the directorate will continue to work closely with print handicapped Radio 1RPH as they implement their business investment package and explore future funding.

As the ACT government steps aside from the direct funding of disability support services, I would like to take this opportunity to thank the NDIA for their grant of $39,000 to Radio 1RPH. I also thank officials from Disability ACT who worked with Radio 1RPH in the successful application to the NDIA.

I present the following paper:

> Print Handicapped Radio 1RPH—Ministerial statement, 9 June 2016.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Canberra-Wellington—proposed sister city relationship

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.22): I move:

That this Assembly:

(1) notes the motion on the proposed sister city relationship with Wellington, New Zealand;

(2) notes the benefits of pursuing the establishment of a sister city relationship with Wellington, New Zealand, including:

(a) Wellington and Canberra share much in common and there are great opportunities to work together and seek ways to continue to grow our respective economies, support our respective business communities and continue to enhance the cultural and social fabric of Wellington and Canberra;

(b) both Wellington City Council and the ACT Government have strong ambitions to drive change and opportunity, to grow in a way that reflects our contemporary communities, and to improve our productivity, liveability and economic competitiveness;

(c) there are clear economic and social benefits to the ACT community as a result of direct international air services and the engagement that will occur between the two cities;

(d) to support and continue the growth in demand for travel on the direct service and see flight frequency increase to daily services;

(e) in addition to direct international services, several programs and initiatives are already in place providing the foundation for engagement and to underpin a sister city agreement; and

(f) the ACT Government has taken a proactive approach to international engagement and with international cities that have strategic advantage; and

(3) calls on the Government to:

(a) progress the Wellington Sister City Relationship to foster trade, education, skills and talent, cultural and tourism opportunities between our two cities; and

(b) support the agreement being practical, focused and based on a tangible engagement program focused on core Government priorities.

Now is the time for Canberra to capitalise on the many opportunities arising from our increased level of engagement with New Zealand, ranging from tourism and cultural exchanges, from strengthening mutual economic opportunities through to marquee sporting events.

Members would be aware that my government has been engaging deeply with Wellington over a number of years and that, in April of this year, Wellington mayor Celia Wade-Brown and an accompanying delegation visited Canberra to explore collaboration opportunities to discuss greater sharing, cooperation and exchange of expertise.

The visit by the Wellington mayor was highly successful and presented a significant opportunity to engage with the City of Wellington about economic and cultural exchanges following the announcement of direct flights between our two cities and Singapore. The visit was an opportunity to share ideas such as knowledge exchange, urban renewal, major infrastructure projects, major project implementation, the development and implementation of public transport solutions, tourism, tertiary coordination, and collaboration on social, cultural, sporting and artistic initiatives.

I am pleased to advise the Assembly that on 11 May 2016, the Wellington City Council agreed in principle to adopt a Canberra-Wellington sister city relationship. The council also agreed to potential areas of cooperation between Wellington and Canberra, including business partnerships, tourism, education, cultural exchanges with national institutions, capital civic programs, biodiversity initiatives, smart city technologies, affordable housing solutions and, of course, our very friendly but intense sporting rivalries.

Madam Speaker, Wellington and Canberra share much in common. There are great opportunities for our two cities to work together and to seek ways to continue to grow our respective economies, support our respective business communities and continue to enhance the cultural and social fabric of two cool little capitals.

Mayor Wade-Brown's visit to Canberra provided the opportunity for her delegation to gain practical insights into a range of initiatives and programs that could form the basis of a formal agreement. A formal cooperative agreement with the City of Wellington will be another step in my government's strategy to connect Canberra more directly with key international partners and to ensure the flow of talent, investment and trade that follows from such deeper engagement.

Most members would be aware that on 20 January this year, Singapore Airlines Chief Executive Officer Mr Goh Choon Phong announced at Canberra Airport his airline's decision to fly direct international services from Singapore to Canberra and from Canberra to Wellington. The capital express route is set to commence from Singapore on 20 September this year.

Direct connectivity between Canberra and Wellington will provide strong benefits that were initially forecast in the research for the business case for direct flights between Canberra and Auckland. That research found that daily flights would generate $51 million per annum in gross regional product for the Canberra catchment and an additional 395 full-time jobs for our region. There will also be obviously significant time savings and convenience benefits for outbound travel between Canberra and Wellington.

The government's view is that there are clear economic and social benefits for the ACT community as a result of the direct international services and the engagement that will undoubtedly strengthen between the cities of Canberra and Wellington. Most people from around the world now have the opportunity to connect with and to share in the many diverse experiences and opportunities that Canberra offers.

To ensure the service is sustainable, it is important that we work together to grow demand for travel in both directions. Ultimately, we have a shared goal to see the flight frequency increase from the initial four flights per week to daily services.

Canberra and Wellington both offer the lifestyles and employment opportunities that innovative, creative and industry-leading people want. The cities are two of the most liveable cities in the OECD and are both knowledge-based economies that attract smart people and talent. Both the Wellington City Council and the ACT government have strong ambitions to drive change and to enhance opportunity to grow in a way that reflects our contemporary community and to improve our productivity, our liveability and our economic competitiveness.

Wellington City Council is implementing actions from a long-term strategic vision for the city called "Wellington towards 2040: a smart capital". It has significant parallels with the ACT government's "Confident and business ready: building on our strengths" business development statement and my state of the territory address statement this year "Canberra, a statement of ambition" as well as our digital and smart city policies.

Wellington's strategic vision is supported by four community outcomes or long-term goals that again have strong alignment with Canberra's forward growth plan to be a connected city realising the potential of their people and businesses with improved physical and virtual connections through the use of technology; to be a people-centred city by attracting and retaining a highly skilled, educated workforce; to ensure that their city is open, welcoming, vibrant and embraces diversity; to be an eco-city by achieving high standards of environmental performance, coupled with outstanding quality of life and an economy increasingly based on smart innovation; and to be a dynamic central city by fostering creative enterprise to lead their region in New Zealand to the next level in economic transformation, including leveraging the advantages of the knowledge economy and capability of universities, research organisations and creative businesses.

These agendas align very well with my government's agenda for Canberra. In addition to direct international services, several programs and initiatives are already in place providing the foundation for deeper engagement to underpin a sister city agreement.

On the sporting front, we are set to host an A-league match between the Wellington Phoenix and the Central Coast Mariners in November later this year. Having the Phoenix play here will of course forge yet another link between our two cities, promote the direct flights, provide exposure for our two cities and increase the number of visitors to Canberra.

Last week, VisitCanberra led a delegation of Canberra tourism businesses to Wellington. The mission was a sales-focused one aimed at educating the Wellington media and agents about Canberra and our region's tourism products and experiences. Options for collaborating with Wellington to promote Singapore Airlines' capital express route were explored.

The Cogito Group, a Canberra-based ICT company, set up offices in Wellington in December 2015. The group works with businesses in New Zealand, providing cyber-security and data protection solutions. The Canberra Business Chamber has already engaged with the Wellington Chamber of Commerce and it too is pursuing a formal cooperative agreement.

Cultural Canberra, formerly EventsACT, is scoping the opportunity to leverage key events for cultural and artistic exchange and cross-promotion. The CBR Innovation Network has connected with its equivalent technology and start-up ecosystem in Wellington. The Canberra International Riesling Challenge is exploring the opportunity to stage a Wellington launch of the 2016 event. Of course, it has a very strong New Zealand connection already with John Belsham, a New Zealander, the chair of judges.

The ACT government has taken an active approach to international engagement. We wanted to engage with international cities that have a strategic advantage for Canberra. We currently have sister city arrangements with Nara in Japan and Beijing in China. We have a friendship city agreement with Dili, and a memorandum of understanding with Shenzhen in China.

The ACT government has actively sought to enhance relationships and look for opportunities for cultural and economic exchange with those cities. In the past 12 months I have led delegations to Singapore and China, the United States, Japan, again to Singapore and China, Hong Kong, and of course our sister city of Beijing.

Each of these missions is focused on promoting and raising awareness of Canberra and our region's strengths as a knowledge economy, a place to invest in, a place to establish business links. We fostered deeper business engagement and brought about new export opportunities. Where relevant, we have reinforced the ACT's commitment to strengthen our sister city relationships.

Earlier this year the Minister for Planning and Land Management, Mick Gentleman, signed a memorandum of understanding between the ACT's Woodlands and Wetlands Trust and the Karori Sanctuary Trust based in New Zealand. Through this MOU, a mutually beneficial relationship has been formalised, allowing the respective groups to share knowledge on research, conservation and restoration practices, sanctuary models and, importantly, to offer training and exchange programs for staff development.

Specifically, the arrangement will focus on practical exchange to support the evolution of the Mulligans Flat and Zealandia unique wildlife sanctuaries that are both close to urban centres. The capacity to support this exchange of programs, exchange of resources and knowledge is enhanced significantly through strengthening the ties between Canberra and Wellington.

Next month I will be visiting Wellington. Subject, of course, to the Assembly's support of this motion today, I intend to formalise our sister city relationship as part of that delegation. I commend this motion to the Assembly today. I thank members in advance for their support of what is a very significant new relationship for the city of Canberra.

MR HANSON (Molonglo—Leader of the Opposition) (10.34): I indicate that the opposition will support this motion. I do so warmly. I think it is quite nice that this week, with all the argy-bargy of budgets and budget replies, there is something that I am sure Mr Rattenbury will support as well, something that we can all agree on: moving forward with this closer arrangement with Wellington.

In doing some research recently on Wellington, I found it quite surprising how similar we are as cities. There are things that I was unaware of. Obviously we are both capital cities, but the size in terms of population is similar; we both have 25 per cent of our population born overseas; we are both very livable cities; and, compared to the rest of our nations, we have similar hallmarks, with higher incomes, higher levels of education and tertiary qualification, and, in terms of employment, more people employed in professional employment. I suppose that is what you would expect from national capitals.

There is no doubt that we share not just those similarities but, in many regards, our values. We have many similar areas of shared culture. For both New Zealanders and Australians, we share that crucible which was so important in the foundation of both our nations, the Anzac story. That shared history that is woven between both our nations has been expressed many times through the Anzac story—not just on the beaches of Gallipoli in 1915 but throughout the western front; throughout World War II; in Vietnam, where we had New Zealand troops serving alongside Australians; and onwards, as it was and is today, serving together in Iraq. I was honoured to serve with Kiwis in New Zealand. That is just one part of our interwoven history that is so important for both our nations.

I commend the government and the airport on establishing international flights. I think that is a great step forward. It has bipartisan support and will be very important in enhancing the relationship and forging a sister city relationship with Wellington. I hope, as I am sure the Chief Minister and others do, that that will assist in that process for shared culture, tourism and economic growth between our two wonderful cities.

I do not know that it will make any difference to our sporting arrangements, as the Chief Minister alluded to. I have to confess that my wife is a Kiwi, so I declare that as a conflict of interest in supporting this motion today. As you would all appreciate, rugby can be a difficult season in my household, but it is better when the cricket comes on, it is fair to say, when we seem to do better. But those battles—the battles on the battlefields, the battles at Gallipoli, and the sporting battles that we enjoy, with the Brumbies, the All Blacks and all of our great sporting teams playing each other—are something that we have shared as nations together.

I congratulate the Chief Minister for bringing this initiative forward. It has bipartisan support. If there is any way that we can assist in this, be it through the promotion of it or the support of it, as Assembly members we can join together in the interests of our city and clearly put politics aside to take a step forward in the relationship with our cousins across the ditch.

MR RATTENBURY (Molonglo) (10.39): I am very pleased to support this motion today and to support the notion of Canberra and Wellington becoming sister cities. Last month when the Wellington delegation visited, I had the opportunity to have some discussions with the mayor, Celia Wade-Brown, and meet some of the other members of the delegation. There is no doubt that there is real energy between our two cities to create greater partnerships, to do more together. There is a real sense of opportunity. As members have touched on today, we are similar cities, and I am pleased that people are seeing that as an opportunity rather than a point of competition. There are things that we can share with each other, that we can benefit from. We can build our respective strengths whilst at the same time building ourselves. There is no doubt that the energy and the synergies that are there will create a range of opportunities.

Clearly the arrival of direct international flights is a major boon to this relationship. As a Greens member of this place, for me there is, of course, a dilemma around the issue of flying, in the sense that we know that increased flights lead to increased greenhouse emissions, and emissions of planes are particularly sensitive in the impact they have—just their physical distribution. Nonetheless, it is clear that the arrival of direct international flights is a boon. It will open up a range of new opportunities, and we must make the most of that, always being mindful to only take the flights that we need to.

One of the interesting things that has not been discussed today is the Zealandia nature sanctuary in Wellington. This is very similar to our Mulligans Flat sanctuary where a large predator-proof fence has been built. I know that Mr Gentleman went there just last month and is wearing their special commemorative tie today to mark that. They have done a similar thing to what we have done at Mulligans Flat. They have built a predator-proof fence and brought back species that were extinct on the main islands of New Zealand as a result of predation and could only be found on the outer islands. So there are some interesting opportunities to compare our science as well. We are doing some very exciting things here at Mulligans Flat in the ACT. New Zealand is conducting some similarly interesting experiments. The potential for connection between those two pieces of fantastic science is just another of the opportunities that exist between our two cities.

I am very pleased to support this motion today. I will be going to Wellington myself next month to attend a corrections ministers meeting and I am looking to further some of the opportunities between our two cities as well.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (10.41): I rise to make a special comment about this wonderful proposal put forward by the Chief Minister. For me it has special significance, because Wellington is the city in which I was born; it is the city where my parents both went to high school, where they both did their training, as a policeman and a nurse, and where they were married; and it is the city where my sister and I were born and went to school.

It is terrific to recognise the connections between Wellington and Canberra. Both are national capitals. Neither has previously been the most well known of its country's cities. Both have been regarded in the past as somewhat dreary by their racier, bigger cities. But both have proved those bigger cities wrong. Wellington and Canberra are thriving, smart, cultural, creative and innovative cities. They are both shedding their alleged dreariness and surprising domestic and international visitors, with numbers flocking to both cities to live, travel and work. Livability is high in both cities.

Another thing that is very high, in Wellington in particular, is the hills. Wellingtonians are very proud of this. They are even proud of its legendary bad weather. "Windy Wellington" was the only thing often known about Wellington when I was growing up as a child. It was known as the seat of parliament and for the windiness. In Wellington in particular there is a self-deprecating awareness about Wellington's windiness. They celebrate it in their public art. One of the more obvious things to do if you are a windy city is to install wind turbines. Wellington was the first city in New Zealand to install a wind turbine, in the very hilly suburb of Brooklyn, where my mum grew up. It was installed over 20 years ago. If you have ever been there or if you ever go, you will understand absolutely why they have wind turbines at the top of Brooklyn. This shows the unique ability of New Zealand and Wellington to make the most of what others consider disadvantages, to celebrate them and to embrace their ironies. It is a slightly more relaxed approach to civic life; I hope one we can learn something from.

I am very pleased about the connections we have: sporting connections, cultural connections. Mr Rattenbury mentioned the connection with Zealandia. Zealandia is adjacent to the suburb I grew up in in Wellington, Karori. I now live adjacent to the suburb that Mulligans Flat is located in. So the particular connections between the Woodlands and Wetlands Trust and Zealandia also hold special significance.

Our sister city relationships bring unique benefits. This one is no different. I am very pleased that the Chief Minister has brought this forward today; I think it is absolutely, positively a great thing to do.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.44), in reply: To conclude the debate, let me thank all members for their support of this resolution today. I will take the very warm wishes of the Legislative Assembly to Wellington next month when we confirm their sister city relationship.

I must, though, respond to Mr Rattenbury's point in relation to air travel. Undoubtedly a direct connection between Canberra and Wellington is a much more efficient way to get there than the current arrangements, so there will be considerably fewer carbon emissions as a result of a direct service. That is a very positive thing. And I note that you can offset your carbon emissions and that the airline industry is getting more efficient. That is a good thing as well. Having said that, I again thank members for their support. We look forward to formalising the sister city relationship in Wellington next month.

Question resolved in the affirmative.

Reportable Conduct and Information Sharing Legislation 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) (10.46): I move:

> That this bill be agreed to in principle.

Madam Speaker and Assembly colleagues, I am very pleased to present this bill to the Assembly this morning. It is a bill that helps address some of the wrongs of the past, but it will also protect children in the future. The evidence that has come to light through the course of the Royal Commission into Institutional Responses to Child Sexual Abuse has rightly shocked us all. It is a fundamental duty of government and the community to protect children from this kind of abuse.

I would like to take the opportunity this morning to acknowledge Mr Damian De Marco, who is sitting in the public gallery with us today. I thank Damian, as the ACT local hero, for his tireless advocacy on this matter and for his very strong support of this scheme.

In February I announced that my government would look to implement a reportable conduct scheme, similar to the one that has been in place in New South Wales. Of course, child protection is a matter for all states and territories, and so at the most recent meeting of the Council of Australian Governments in April this year I proposed that that all states and territories, with the support of the commonwealth government, progress work to develop a nationally harmonised reportable conduct scheme arrangement. I was pleased that COAG agreed in principle that all states and territories would develop nationally harmonised reportable conduct schemes.

This bill addresses both of these commitments. It will put in place a reportable conduct scheme for the ACT, which will improve the oversight of investigations of employee misconduct involving children. This will ensure that allegations of abuse, neglect or sexual misconduct are properly reported, are properly investigated, and that appropriate action is taken.

I have no doubt there is very strong community support for this scheme. During the consultation we undertook earlier this year we received submissions from stakeholders representing a variety of sectors: from the education sector, the out of home care sector and health sector as well as unions, private citizens, and a range of public figures. They attended public forums as well as private meetings, and the message the government received was very clear: people wanted to contribute to when and how this scheme would be introduced.

There is also strong national support for the New South Wales model on which this scheme is based. As the Chief Executive Officer of the Australian Childhood Foundation, Dr Joe Tucci, recently stated, the New South Wales scheme:

> …has worked with organisations in a capacity building way and over time increased the level of scrutiny that organisations can come under in relation to the way that they investigate claims or allegations of abuse by volunteers and employees. I cannot think of a better system in place anywhere in the world.

The royal commission has also highlighted the strengths of this scheme, stating in a recent discussion paper on best practice principles in responding to complaints of child sexual abuse in institutional contexts that it is, indeed, actively considering whether it would be beneficial for schemes similar to the New South Wales reportable conduct scheme to be established in all Australian states and territories.

It has been said that the Ombudsman "brings the lamp of scrutiny to otherwise dark places even over the resistance of those who would draw the blinds". The royal commission has shown there are still too many dark places within institutions to hide those who would harm children, and there are still those who draw the blinds rather than face the embarrassment or damage that illumination may bring.

This bill will expand the jurisdiction of the Ombudsman to include matters of child protection and will allow for scrutiny of the way employers investigate misconduct involving children. Fundamentally, it will ensure the Ombudsman is aware of every allegation of certain types of employee misconduct involving children.

This misconduct could include assault, ill treatment, neglect or causing psychological harm to children and is collectively referred to as reportable conduct for the purposes of this scheme. Importantly, reportable conduct includes conduct that falls below a criminal threshold and may not necessarily be reportable to police. This will ensure that grooming behaviour can be identified in its early stages and the risks to children dealt with appropriately.

The bill empowers the Ombudsman to monitor the progress of investigations of reportable conduct. In the majority of instances, this will involve receiving two reports from the employer organisation updating the Ombudsman on the progress of the investigation. The first will include the nature of the allegation, the proposed action and any initial information provided by the subject of the allegation. The second is made at the conclusion of an investigation, and updates the Ombudsman on the result of the investigation and, importantly, the action taken.

The scheme will apply to all staff of entities designated under the bill. These designated entities include schools, childcare providers, kinship and foster care organisations, residential care organisations, government directorates, and health providers. For the purpose of this scheme, employees will include all paid workers, volunteers, and foster or kinship carers. This will ensure that all children receive the same degree of protection regardless of the legal status of the worker that has responsibility for their care.

The Ombudsman will also be able to scrutinise the systems within employer organisations for preventing reportable conduct by their employees, and this is important for the way they handle, report and respond to reportable allegations. This scrutiny will ensure that the community can be confident that organisations are equipped to deal with these allegations and they simply cannot be swept under a rug or pushed away.

The bill also gives the Ombudsman broader powers to investigate matters of their own initiative. This means the Ombudsman may investigate a matter if they believe the employer investigation has been or would be conducted negligently or improperly and will ensure that all allegations are properly and consistently investigated.

Under the scheme the Ombudsman will maintain a database containing information from all notifications its office receives, regardless of the outcome of the investigation. I am afraid the reality of child sexual abuse makes this retention of information necessary in this instance. Several inquiries into child sexual abuse have found that in many cases allegations go unproved for a variety of reasons. A great many survivors of sexual abuse find it difficult to speak out, and these difficulties are compounded for children. Their abusers are often trusted adults, and some children simply lack the vocabulary to express the terrible things that have been done to them. Therefore, it is absolutely critical that we manage this risk pre-emptively.

We know that abuse of children is rarely solely a crime of opportunity but rather a pattern of behaviour. Keeping information which could help identify these patterns will enable identification of those staff whose behaviour may pose a risk to children and mean that we can manage that risk before children and young people are harmed.

It is also critical that information can be shared more effectively than it is at present. The ACT is not alone in this. Information regarding allegations of reportable conduct by its very nature is likely to be protected or sensitive. At present this information only can be provided to and requested from the Director-General of the Community Services Directorate. This is an arrangement that is reflected in Victoria and that used to be in place in New South Wales. However, these longstanding models of information management are now changing.

In 2009 the Wood Special Commission Inquiry into Child Protection Services in New South Wales highlighted the shortcomings of this model and recommended that legislation be amended to allow that government and non-government agencies be free to exchange information for the purposes of the safety, welfare and wellbeing of a child or young person. That same year the New South Wales parliament passed an amendment which allows this transfer of information to occur.

The New South Wales Ombudsman's office has, on many occasions now, stressed the importance of these provisions to the effective operation of the Reportable Conduct Scheme in that jurisdiction. More recently, the Royal Commission into Family Violence in Victoria has made a similar recommendation.

Following a tragic death in this city earlier this year, we appointed Mr Laurie Glanfield to conduct an independent review of our system-level responses to family violence. His report made 31 recommendations for improvements to the service system. Government agencies and non-government agencies must improve their process for information sharing. Mr Glanfield specifically identified the provisions now in place in New South Wales as ones that should be adopted. The government is committed to addressing the recommendations of the Glanfield inquiry, and enacting these provisions through this bill in respect to children and young people is an important first step.

Of course, Madam Speaker, the scheme will not in itself address all issues. The royal commission has also stated that:

> … together, the reportable conduct scheme, the Working with Children Check, and information sharing provisions provide oversight mechanisms that promote the protection of children.

To this end, the ACT has already put in place measures to create child safe organisations, including working with vulnerable people checks, measures in the Official Visitor Act 2012, which give voice to those in government care, and child safe organisation guidelines, which are a requirement for any government-funded out of home care programs, as well as child, youth and family support services. However, we are constantly looking to improve these measures, and to ensure that our safeguards are as effective as possible.

These changes will take some time to implement, but we have the advantage of being able to learn from and build on the experience of the New South Wales reportable conduct scheme. But we still need to build capacity here in the ACT, and to take the community and those affected in our workforces that provide services to children into a new era; a new era of accountability and a new era of fairness.

To this end we will commence the majority of this bill on 1 July 2017. We will use the time between now and then to ensure that all designated entities have systems in place to make notifications and to conduct investigations. However, amendments that are designed to improve information sharing between the Director-General of Community Services and the Commissioner for Fair Trading in respect to working with vulnerable people checks can commence as soon as enactment has occurred.

Madam Speaker, I commend this most significant bill to the Assembly and look forward to its receiving the unanimous support of this place when it is debated in the next parliamentary sittings.

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

Crimes (Serious and Organised Crime) Legislation Amendment Bill 2016

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

Title read by Clerk.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.01): I move:

> That this bill be agreed to in principle.

Madam Speaker, today I am presenting the Crimes (Serious and Organised Crime) Legislation Amendment Bill. This bill makes several important amendments to the ACT's laws targeting serious and organised crime and other criminal activity. In particular, the amendments will assist ACT Policing to disrupt the activities of outlaw motorcycle gangs, often known as OMCGs, which commonly include violence and intimidation, drug trafficking, financial crime and associated illegal activity. Before getting to the details of the bill I would like to provide the Assembly with some information about the context for its development.

While the level of OMCG activity is relatively low in the ACT, there have been signs that it may be increasing. Specifically, ACT Policing and law enforcement agencies in other jurisdictions such as New South Wales have concerns about the prevalence of patching-over activity in the territory. This occurs where a member of one club changes allegiances and joins another. This phenomenon has seen the single OMCG in the ACT splinter into three groups. The instability and tension created by membership changes of this nature pose a public safety risk to communities through OMCG links to criminality, their use of violence and their ability to create fear. OMCG history demonstrates a clear link with random but recurring acts of public violence that call for appropriate legislative and operational responses.

Due to the ACT's location within New South Wales and being at the relative midpoint between Sydney and Melbourne we are very aware that we must maintain a law enforcement focus on OMCG activity, particularly activity that comes from interstate. This focus must have a strong component of long-term preventative capability to ensure that police have the tools necessary to disrupt and dismantle organised crime networks. Being aware of the need to remain vigilant, the ACT continues to be part of the ongoing national effort to disrupt, disable and dismantle the activities of organised crime.

In terms of operational policing, ACT Policing actively monitors OMCG activity through task force nemesis which commenced in June 2014. Task force nemesis is tasked with tracking, disrupting and arresting those members of OMCGs involved in criminal activities such as drug trafficking, illegal firearms, money laundering, extortion and serious assaults. ACT Policing also joins a national, concerted effort by working closely with operation Morpheus, which capitalises on the commitment that has already been invested by state and territory police as well as commonwealth law enforcement and regulatory agencies.

As part of the national effort through the Attero national task force the ACT has had the opportunity to monitor the progress and success or otherwise of relevant Australian legislation over the past decade.

The government has consistently responded to serious and organised crime by pursuing considered and targeted responses to the threats posed by this type of crime. These have traditionally focused on using specific criminal offences to target the behaviour of individuals within organised criminal groups, developing ACT and cross-border criminal investigation laws, as well as relying on the cooperation between ACT and federal law enforcement agencies.

Madam Assistant Speaker, constructive dialogue with ACT Policing and our national counterparts has assisted the government to identify legislative amendments that will strengthen our responses and frustrate the efforts of organised criminal gangs. This is no easy task. Organised criminal groups are characterised by their disregard for the rule of law. As noted by the Queensland task force on organised crime legislation in March this year, these groups embody a deliberate, considered and persistent defiance of the authority of the law.

In December 2015 the Australian Crime Commission reported that serious and organised crime costs the Australian economy at least $36 billion annually. This equates to a massive $1,500 per year for every person in Australia. The reason that some serious and organised crime groups are so successful is that they have the ability to adapt quickly to changing legislative and law enforcement responses and they have the capacity to keep pace with and exploit new technologies and other opportunities. This is the reason why it would be unwise in the ACT to simply introduce a cookie-cutter legislative scheme solely based on laws in other jurisdictions.

Our local picture of OMCG and other criminal group activity is not the same as it is in other Australian jurisdictions and responding to this kind of activity is not simply a matter of adopting organised criminal group declaration legislation. The Australian Crime Commission's 2013 profile of OMCGs stated that chapters do not usually engage in organised crime as a collective unit but generally the threat in these circumstances arises from small numbers of members leveraging off the OMCG and conspiring with other criminals for a common purpose.

This is further supported by the findings of the Queensland task force that reviewed the extensive suite of laws which was introduced by the former conservative government in 2013 as well as the experience from other Australian and international jurisdictions. The evidence from these reviews strongly suggests that traditional, assertive investigations of alleged criminal activities, combined with proactive targeting of OMCG members, are key elements to disrupting their activities. Essentially, the key proposition of the criminal law, that a person's criminality should be determined by their individual conduct, is central when dealing with this type of crime.

This is why this bill includes amendments which will give ACT Policing and the justice system enhanced capabilities to prevent and target crime at an individual level, where it has been proven most effective and disruptive to criminal OMCG activity. Importantly, the bill will expand the categories of offence which are subject to non-association and place restriction orders, otherwise known as NAPROs, under part 3.4 of the Crimes (Sentencing) Act. A NAPRO can be made by a court when a good

behaviour order or an intensive correction order has been made, having the effect of placing restrictions on whom an offender can associate with and the offender's movements for a specified period.

Currently a NAPRO can be made in relation to an offender who has committed a personal violence offence. Amendments in this bill will see this category expanded to include serious drug offences, serious property offences, serious administration of justice offences—defined as offences punishable by imprisonment for five years or longer—and ancillary offences such as conspiracy and attempt. This will strengthen our police's ability to protect the safety of members of the community by frustrating organised crime. By strategically preventing certain offenders being in specific places or associating with certain people there will be more opportunities to disrupt criminal gang activities by removing the communication links that are key to their success.

In addition, the amendment to broaden the offences in relation to which a NAPRO can be made will assist in protecting certain victims from the convicted offender, for example victims of stalking, and will be instrumental in removing negative influences from the offender's life, providing them with an opportunity to rehabilitate. The bill also modernises and relocates move-on powers from the Crime Prevention Powers Act 1988 to the Crimes Act 1900. The primary purpose of the amendments to move-on powers is to clarify their operation and provide ACT Policing with better tools to deal with antisocial behaviours that can intimidate members of the public or reasonably cause them to fear for their safety. The term "exclusion orders" replaces move-on orders in order to better describe the nature of the powers.

These amendments confirm that a police officer may direct either a person or a group of people to leave a public place if the police officer believes on reasonable grounds that they have recently engaged in, are engaged in or are likely to engage in the immediate future in antisocial behaviour in the place. In particular, this will clarify ACT Policing's ability to deal with certain OMCG behaviours, including activities relating to intimidatory behaviour by groups of two or more people in public places.

The bill also introduces a new bail power of review for the Director of Public Prosecutions in the Bail Act 1992. This amendment will allow the DPP to apply for a review of bail in exceptional circumstances where it is in the public interest to do so and only in relation to family violence offences and certain other serious offences. The amendments outline clear, workable and fair procedures in relation to the application and review process, including details relating to notice, time frames and decision-making.

The government has carefully considered this amendment and I am confident that the safeguards built into it will ensure that the use of the power will be balanced and appropriate. For example, on seeking a review, the DPP must give verbal notice to the court immediately at the time the decision to grant bail is handed down and lodge written notice with the court. This written notice must also be given to the person who is the subject of the bail decision. In addition, guidelines for the review power will be published on the DPP's website.

As always, I welcome robust and constructive discussion relating to legislation and policy reforms in the territory. The government has consulted closely with key stakeholders during the drafting of this amendment to ensure that the reforms strike a balanced approach between the rights of victims and the community to safety and the rights of the accused in a bail process.

A number of stakeholders have expressed concerns that the power does not provide equity to a defendant. I am confident that the Bail Act already appropriately safeguards the rights of an accused in the bail process. For example, an accused may apply for bail on two occasions requiring no new evidence to support their application. If bail is refused after the second application, the accused may seek bail on a third occasion if there has been a change in circumstances relevant to the seeking of bail or if there is fresh evidence or information relevant to the granting of bail that was not previously available. Ultimately, if bail is refused the defendant can then appeal this decision to the Supreme Court.

This bill also makes significant amendments aimed at serious criminal offending. Firstly, the bill amends the Crimes (Child Sex Offenders) Act 2005 to allow corresponding offenders to be prescribed where they have not been convicted but have been subject to a registration order in another jurisdiction. The Chief Police Officer must then decide, based on a number of considerations, whether a prescribed corresponding offender should be placed on the register and made subject to reporting obligations. The considerations include the severity of the offence, the age of the person at the time of the offence and whether the person poses a risk to the lives or sexual safety of one or more people or of the community at large.

In addition, the bill makes some minor and technical amendments to legislation that targets serious criminal behaviour. It clarifies the operation of the new intensive correction order in relation to the imposition of probation and the administration of curfew orders to support the new sentence and ensure that it is imposed and administered effectively.

The bill also provides that the registrar for the ACT child sex offenders register is the respondent in applications for removal of a person from the register under section 122(c) of the Crime (Child Sex Offenders) Act, and it amends the Crimes (Assumed Identities) Act 2009 to improve the operation of assumed identities used by commonwealth intelligence agencies.

These amendments engage and limit a number of rights enshrined in our Human Rights Act, including the rights to freedom of movement, of association and privacy. While this engagement has been comprehensively addressed in the explanatory statement attached to the bill, I note that the government has taken the least restrictive approach necessary to ensure that community safety is balanced with the rights of the accused and convicted people. The safeguards in the bill ensure that this balance is right.

In conclusion, I would also like to flag to members that I have today released a public discussion paper on consorting laws for the ACT. This discussion paper has been

prepared by the Justice and Community Safety Directorate in close consultation with ACT Policing. It provides an overview of consorting laws in Australia and a proposed model for implementation in the ACT. It also raises issues for consideration in relation to the impact of these laws on vulnerable people, the way that the warnings operate and whether the model effectively protects and balances fundamental human rights. The government will carefully consider the submissions that I expect will be made on this paper. I commend this bill to the Assembly.

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

Building and Construction Legislation Amendment Bill 2016

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

Title read by Clerk.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.17): I move:

> That this bill be agreed to in principle.

The Building and Construction Legislation Amendment Bill is an important part of a reform package to increase the effectiveness of the ACT building and construction regulatory system. These reforms have been developed in response to public consultation and community and industry views on proposals and options to improve the system.

There are two main aspects of the bill: amendments enabling the implementation of short-term and priority building reforms, and amendments to legislation to improve its operation and make existing obligations clearer. Amendments in the bill enhance the system as it applies through the cycle of building—from pre-construction design and licensing requirements to obligations throughout the construction process to post-construction and occupancy with changes to statutory protections for residential building owners.

The amendments are described in detail in the explanatory statement of the bill. One of the most significant amendments in this bill is to extend statutory warranties to all private residential buildings rather than only those that are three storeys or lower. This includes a part of a building that provides structural support to the residential part of the building, such as a basement or car park.

The current warranties are six years for structural defects and two years for non-structural defects. A licensed builder is already required to build in accordance with the Building Act, including ensuring building work meets the building code and is completed in a proper and skilful manner using appropriate materials and products. I consider that it is reasonable to expect a builder to warrant any building they build and for statutory protections to apply equally to all residential owners.

Madam Assistant Speaker, another new aspect of the building legislation introduced by the bill is to include powers to provide for standard conditions, prohibiting conditions and information that must be provided with the contract for certain contracts involving residential building work.

Other than sections 25 and 88, the Building Act does not prescribe the contents of contracts for building work or for the sale of incomplete buildings. Recent consultation canvassed the possibility of including standard contract provisions, creating standard definitions of some common terms, excluding agency agreements in certain residential building work contracts, and requiring information on parties' rights, obligations and statutory protections to accompany a contract for residential building work.

Consultation found that many stakeholders felt that there would be benefit in improving consistency in residential building work contracts and to providing people entering into these contracts with better information on their rights and obligations. The bill will allow regulations to be enacted on these matters. No regulations are proposed at this time as it is the government's intention to consult further on specific reforms.

To enable reforms relating to creating new guidelines and codes of practice for building documentation and certification, the bill expands the existing power to make a code of practice for building work to include building certification, and includes a new capacity for guidelines to be made for documents, plans and specifications such as those that must be part of a building approval application. Guidelines will provide clear minimum standards for people preparing building approval documentation, applicants, landowners, builders, certifiers, inspectors and auditors.

Madam Assistant Speaker, this bill also includes provisions in relation to appointments of building inspectors and what a building inspector may do during an inspection. These provisions are consistent with those for inspectors in the Construction Occupations (Licensing) Act and its other operational acts. Other changes will help users of the act better understand the functions of a building certifier in relation to building work they are appointed for and the obligation of both certifiers and builders in relation to stage inspections.

The proposed amendments to construction licensing laws include changes to grounds on which the Construction Occupations Registrar can refuse a new licence or renewal application if necessary or desirable to protect the public. These changes build on those enacted in 2013-14 and allow the registrar to consider the compliance history of directors, partners and nominees in relation to other licences they have been involved with rather than only those that they or the applicant have personally held.

The ACAT may also consider conditioning, suspending or cancelling a related licence if it is appropriate to do so. This is intended to help prevent people with poor compliance history or outstanding rectification and court orders from being able to obtain multiple licences, shift their operations across licences without being affected by the sanctions, or phoenix under a new licence.

Construction work carries significant health and safety risks. These risks are not only risks to construction workers, but to the eventual occupants and users of buildings and to the general public. It is important that only those people who will take their obligations under their licence seriously can obtain or continue to hold a licence.

With complementary amendments we will: provide for ongoing eligibility throughout the period of a licence as it is held; revise the maximum periods for interim and automatic suspensions to better consider the length of time it may take for ACAT to hear an application for disciplinary action and the registrar's awareness of the automatic suspension grounds; include requirements to report certain financial and other circumstances that would affect a licensee's eligibility to the registrar and create a related offence; and better explain how nominees are appointed and the eligibility requirements for a nominee.

In addition, the bill will increase the amount ACAT can impose on a licensee in relation to an occupational discipline order. It will increase from $1,000 to $20,000 for an individual, and from $5000 to $100,000 for a corporation. An occupational discipline order is intended to act as a disincentive. Given the large sums of money some people earn as a result of undertaking licensable work, it is important that the maximum amount can provide a sufficient incentive.

Other amendments revise provisions related to codes of practice and declarations of mandatory qualifications for consistency across related acts and consequentially revise powers of advisory boards.

The bill also amends the Planning and Development Act to better reflect the administrative responsibilities in relation to specific regulation of the building industry and its practices. This does not affect the regulation of the developments or any existing obligations of people carrying out work that must meet the requirements of the Planning and Development Act.

The primary amendment to the Building and Construction Industry (Security of Payment) Act is to expressly provide for the making of codes of practice. Authorised nominating authorities already align their practices with a code of practice, and this amendment will allow it to be formally recognised under the act.

Maintenance of legislation is an ongoing process. Regulation is changed and refined in response to new issues and practice and as provisions are tested in the ACAT or in ACT courts. This bill expands on the reforms that started with a series of amendment bills in 2013 and 2014. It is part of the government's work to make sure that the territory's building regulation is relevant for industry and the community.

Madam Assistant Speaker, I congratulate the Environment and Planning Directorate officials for this important work and their commitment to the best outcomes for our Canberra community. I commend the bill to the Assembly.

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

Gaming and Racing (Red Tape Reduction) Legislation Amendment Bill 2016

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

Title read by Clerk.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.27): I move:

> That this bill be agreed to in principle.

Today I am pleased to introduce the Gaming and Racing (Red Tape Reduction) Legislation Amendment Bill 2016. This amendment bill will amend six acts and regulations under the ACT gaming and racing suite of legislation. The amendments I introduce today reduce red tape across a number of industries and organisations and also respond to recommendation 13 of the recent public accounts committee report on the inquiry into elements impacting on the future of the ACT clubs.

I am sure the Assembly would agree that it is important for gambling activities to be properly regulated at all times. So even though the bill provides for a flexible risk-based regulatory approach where appropriate, the amendments do not compromise the ACT Gambling and Racing Commission's regulatory oversight of the industry's integrity.

Madam Assistant Speaker, put simply, where amendments can be made for regulatory reform, this will be done. But it will not be at the expense of harm-minimisation principles that are there to protect the community and minimise problem gambling.

The amendment bill removes the requirement for licensees to display licences and authorisation certificates; modifies the requirement to display percentage payout information on gaming machines to a requirement to display an approved statement; provides easier access to clubs for interstate visitors as they will no longer need to be accompanied by a member; clarifies arrangements so that licensees can more easily quarantine gaming machines from use; and implements a simplified licensing framework for race bookmakers and their agents to operate under, including the ability to renew licences.

To achieve all this, the government has been innovative in its thinking, and today I present an amendment bill that removes the past trend of rigid enforcement. We have removed the administrative burden of having to display licences and authorisation certificates at each main entrance of a gaming area. However, to ensure transparency, clubs will be required to show their licence or authorisation certificate to a person if requested.

We have also modified the requirement for signage stating the percentage that a gaming machine may payout. This information can be misleading as percentage payouts are programmed over the life of the machine and are based on random probabilities, and it is a complex process. If a person puts $100 into a machine they are not necessarily going to get back $87 if the payout rate is 87 per cent. We cannot leave gamblers with the mistaken belief that they are definitely going to get something back from a gaming machine if they gamble. This is contrary to every other harm-minimisation measure that we in the territory have and why we are changing the signage requirements.

Let me be clear: we are not changing the requirement that all machines must be programmed with a minimum payout of 87 per cent. Licensees will now be required to display a statement approved by me as Minister for Racing and Gaming on each gaming machine at an authorised premises. This message will be set by notifiable instrument, and I intend to work with the directorate and stakeholders to have this instrument prepared by the August sittings.

This reform is good for the community as it will enable the display of consistent harm-minimisation messaging. It also represents less administrative red tape for our clubs, hotels and taverns. Licensees will now be able to display the same message on all machines which will save considerable time and effort associated with checking each sticker against the machine's payout rate. I have worked on this section of the bill with Minister Rattenbury, who had some helpful suggestions stemming from cabinet, and I look forward to working with him on the development of the new generic stickers prior to the August sittings.

Moving on, the amendment bill establishes a streamlined process similar to other jurisdictions where interstate visitors can enjoy the amenities of our community clubs. For the first time, clear arrangements provide that interstate visitors need not be accompanied by a club member as a precondition of entry. This delivers a long sought after benefit for our clubs that will allow them to compete on similar grounds to those just over the border.

In developing these arrangements, we have been careful not to burden our clubs with administrative red tape. Interstate visitors will be admitted as temporary members and no fee will be payable. Clubs will not be required to report on temporary members, and these members are not included in a number of administrative processes, such as ballots for voting. Temporary members will not be counted as club members in working out the maximum number of permitted gaming machines at authorised premises. Consequential amendments to the Gaming Machine Regulation 2004 support these new arrangements.

A number of amendments to the Gaming Machine Act 2004 to aid interpretation and clarify amendments made under the gaming machine reform package have also been included. These amendments provide for clearer arrangements to allow licensees to more easily quarantine gaming machine authorisations from use; identify when an installation certificate must be supplied to the commission; retain the commission's ability to attend the destruction of gaming machines; and clarify a corporation's right

to apportion common expenditure across multiple clubs for community contributions. Modifications made to the act through the Gaming Machine Regulation have now been relocated to the Gaming Machine Act.

A number of reforms are also proposed to the licensing of race bookmaking. The commission will now be able to license racing activity based on the risk posed to the community without compromising the local racing industry's integrity. The amendment bill introduces a renewal system for licensees and also, for the first time, sets out streamlined processes that may be exercised by the commission when issuing and renewing a licence. These changes do not compromise the commission's ability to act if needed. The changes have been constructed with a risk-based approach in mind. The amendments provide more equity and reduce administrative red tape for applicants and licensees.

Finally, I will also mention that the bill includes minor technical amendments to the Race and Sports Bookmaking Regulation 2001, the Racing Act 1999 and the Racing (Race Field Information) Regulation 2010 to reflect the renaming of national and interstate racing boards and corresponding legislation.

The amendment bill balances the task of alleviating unnecessary red tape with the government's need to retain the integrity of the racing industry and gambling harm minimisation measures more generally. I commend the bill to the Assembly.

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

Standing orders—continuing resolution 5AA
Amendments

MRS DUNNE (Ginninderra) (11.35): I move:

> That continuing resolution 5AA of the Assembly of 31 October 2013 relating to the Commissioner for Standards be amended as follows:
>
> (1) insert new subparagraph (4)(c):
>
> "(4)(c) If the Assembly is not sitting when the Commissioner provides a report to the Committee, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.".
>
> (2) in paragraph (10), omit the words "first sitting period in 2016", substitute "last sitting period in 2016".

This motion amends continuing resolution 5AA relating to the Commissioner for Standards in two ways. The first of the amendments inserts a paragraph which allows for reports of the Commissioner for Standards to be published when the Assembly is not sitting. This was a matter which was overlooked in the original determination of the continuing resolution. As members may know, there is currently a matter being inquired into by the Commissioner for Standards. It came to our attention that if the

commissioner reported in the very long break between this sitting and the August sitting, without this amendment it would not be possible to report. Whatever the outcome is, it is important that a member being investigated by the Commissioner for Standards should have as quick a resolution of the matter as possible, so this approach was suggested to me by the Clerk earlier this week.

The second amendment came to our attention when we were looking at the first amendment. I recollect that when there was discussion about the establishment of a Commissioner for Standards we inserted a clause for a two-year investigation. Since then, the Clerk and I seem to have overlooked that, and we collectively offer mea culpas to the Assembly for that oversight. To rectify that matter—we failed to report within the first sitting period by a matter of oversight—there is an amendment to ensure that there is a review but that the review is conducted by the end of the sitting period in 2016. I apologise to members for that oversight. These are two quite simple matters and I recommend their adoption by the Assembly.

Question resolved in the affirmative.

Family friendly workplace
Proposed continuing resolution

MRS JONES (Molonglo) (11.38): I move:

> That the following continuing resolution be adopted:
>
> **"Family Friendly Workplace**
>
> That:
>
> (1) the ACT Legislative Assembly resolves that a standing pair be provided to any MLA who is a breastfeeding or breast pumping mother or for a parent who has primary responsibility for bottle feeding for as long as it is required; and
>
> (2) this resolution continues in force unless and until amended or repealed by this or a subsequent Assembly.".

I am pleased to move this motion on the notice paper in my name regarding the Assembly resolving to have a continuing resolution adopted to allow for better workplace practices in our own workplace regarding breastfeeding and bottle-feeding parents.

Many of you here in the chamber know that I have been working on improving this workplace for women with a focus on family friendliness. Here in the ACT Legislative Assembly, one area I have particularly focused on is women who are breastfeeding their babies. This term I have been fortunate enough to become the mother to my fifth baby, Maximus. He was blessed to be the first baby breastfed in the ACT Legislative Assembly chamber. The reason I fed him in the chamber was simply because he was hungry and he needed to be fed after the bells had rung calling for a division and I was required to be in the chamber. Therefore I fed Maximus here

in the chamber. Maxi was 3½ months old and exclusively breastfed at the time; there was not any other option but to feed. I am grateful to the women who came before in making changes to make that possible in this place.

The World Health Organisation recommend exclusive breastfeeding for the first six months of life. The reason they do this is that breast milk is the ideal food for newborns and infants. It gives them the nutrients they need for healthy development, and it contains the antibodies that help protect infants from common childhood illnesses. Breast milk is readily available and affordable and ensures an infant has adequate nutrition. It is also worth noting that breastfeeding has great benefits for mums where it can be achieved. It reduces the risk of breast and ovarian cancer, type 2 diabetes and post-partum depression. Long-term benefits for children who have been breastfed show that breastfed babies are less likely to be overweight or obese once they reach adolescence; and they are less likely to have type 2 diabetes and they also perform better on intelligence tests.

Many in the community believe that workplace changes required to make women able to feed their babies or to pump milk to feed their babies have already been made. I think many people my age and younger would be surprised to find that we have not got all the details sorted out yet. It is sometimes a rude shock for young women once they have had their first baby to come back into the workforce or think about coming back into the workforce and realise that there are a lot of changes that still need to be made. Very few workplaces are really set up to accommodate breastfeeding, breast pumping or the bottle-feeding of a very young baby.

We all tell our daughters today that they can choose what they do with their lives and that they can choose how they blend their work and family lives—that they can choose to work or stay home or to have a blend of both. But if we are going to be honest, we need to tell them that a lot of things need to change in the workplace for them to be empowered to continue to breastfeed or breast pump to feed their baby up to the recommended six months.

We must not expect women in one of their more vulnerable states—being pregnancy or breastfeeding—to undertake the negotiations to ensure that they are able to achieve work-life balance. Every mother strives the best she can for the health and wellbeing of her baby. The workplace was not designed for women or for their babies. We are still playing catch-up to create an environment in which women and babies are, to the greatest extent possible, welcome.

Babies are a natural and normal part of life. Each of us started out as one. I encourage women to have the babies that they desire and I encourage workplaces to do the maximum, not the minimum, that they can to accommodate the breastfeeding requirements of mums.

Ten years ago, when I breastfed my first baby here in the Assembly while I was volunteering on the Liberal corridor, a breastfeeding room was actually built. This room had no lock on the door. It just goes to show how difficult it can be to get the workforce to adapt to the physical surroundings of the realities of women's lives that it was considered acceptable to create a breastfeeding and breast-pumping room which did not have a lock on the door.

I am pleased to say that now, 10 years later, by some lobbying I have done and with the help of some other MLAs, we are now able to have a lock on the breastfeeding room door so that when women are breast pumping in this workplace they do not have to worry about someone walking in on them. As I recently said to a colleague, you would not go to the toilet without a lock on the door, and you should not be expected to be half-naked and breast pumping without a lock on the door.

Today I hope we will be able to achieve another significant change in this place for MLAs in the future who have babies, giving them the freedom to completely fulfil the workplace demands of them, and that political parties will not lose anything in the process of giving women the flexibility to complete a breastfeed or a breast pumping even if the bells ring. Today's motion asks the Legislative Assembly to implement a continuing resolution to allow for flexibility for mums who are breastfeeding or breast pumping—or for any parent with full bottle-feeding responsibilities—to return to work and continue their job while undertaking feeding responsibilities and keeping their child alive and well and thriving.

Originally I considered asking the whips of both parties to sign an undertaking that they would provide a pair for any woman who was breastfeeding or breast pumping, allowing her to have a standing pair upon her return to work. However, Mr Smyth, our whip, kindly assisted me to come up with a better way of making such a change more permanent and more wide reaching so that well after I have left this place and he has left this place women on all sides of parliament who have their babies will be able to return to work with a bit less stress than I had to deal with. That will be better for them and their children. Then we need to take these ideas out from this place and into the broader community.

I took this idea to Ms Burch, who is the whip for the government. She wanted the inclusion of fathers who might have the primary responsibility for bottle-feeding an infant upon their return to work. I thought this was a useful addition, and I have been happy to include it here in this motion. Therefore, I have proposed this continuing resolution which will cater for such individuals as well. I hope that today will see the very best of tripartisanship in this place and be an example to workplaces all over the ACT and our country—an example that such changes can be made in the lives of parents and mums who are trying to provide the best they can for their babies while maintaining their workplace position.

I hope that there will be tripartisan support for the motion today. I commend the motion to the Assembly.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.44): I move:

> That debate be adjourned.

Question put:

> That the motion be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Administration and Procedure—Standing Committee
Reference

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.48), by leave: I move

> That the proposed continuing resolution relating to a family friendly workplace be referred to the Standing Committee on Administration and Procedure for consideration and report by the next day of sitting.

This motion presents a few issues regarding implementation. While the government supports family friendly workplaces and appreciates the difficulty experienced by parents, the government feels it would be better to have this motion examined for its practicality. As it stands, the system of granting pairs is an informal convention between the two major parties. Not only is this system not reflected in standing orders but it also does not account for the crossbench members of the Assembly who are not part of this agreement. So on these grounds we think it would be better to refer it to the committee.

MRS JONES (Molonglo) (11.50): While obviously there is no problem in having this resolution assessed by admin and procedure, I find it rather surprising that on this side of the chamber we work with members on the other side when they want to bring things to the chamber but there was no notice given to me, or even any thought or information given to me, about the government's position on this. When Mr Gentleman stood up to move that the motion be adjourned, there was no explanation given or understanding why that was being done, which shocks me, to be honest. When the government have a bill that they are putting through, we make sure we seek information from them and work in a respectful manner with the other side.

I hope that the views of the admin and procedure committee mean that the motion is better, if that is possible. Certainly, I have taken into account the feedback that the Labor Party have given through their own whip about the changes that they wanted. They want to see men and women included in this standing resolution. So we will see it go off to admin and procedure.

I just want to put on the record that I would like this to be dealt with in this Assembly. None of us is guaranteed that we will get our seat back, and it would be a sad thing for women in a future Assembly if this were not ever dealt with simply because something happened to one of us and we were not able to pursue it.

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) (11.51): I appreciate the importance of this matter and the need to ensure that there is capacity for the circumstances of parents, particularly women, who are caring for a newborn, to be appropriately taken into account. The government's concern though relates to what is proposed, which means the transition of a convention, a longstanding convention, into the formality of this place post the standing orders, and that has not been done before in this place.

Clearly, issues arise that need to be given consideration. For example, what if the requirement were for a pair with a crossbench member in the future? Who would grant that pair? In what circumstances? Are we going to be saying that these are matters ultimately the Speaker needs to adjudicate on if it becomes a continuing resolution of the Assembly? These are the types of matters that I think do need to be discussed, because whilst the intent is a good one and one that is supported I think by all sides, are we saying that it would be the role of the Speaker to adjudicate on matters around pairing in these circumstances? I think these are the types of practical issues that need to be discussed.

Once it is in the standing orders, once it is a continuing resolution of this place, ultimately the Speaker is the adjudicator on issues around the application of that standing order and the associated continuing resolution. We go to the Speaker now on these matters.

These are reasonable questions to ask and reasonable issues to be considered before we make a final decision on Mrs Jones's proposal. I hope that those discussions can take place. I hope that we can find a resolution for those issues and that we can then make a decision.

MR SMYTH (Brindabella) (11.53): I thank Mr Corbell for his clarification of how difficult this is. The government just do not want to do it. They made it quite clear that they did not want to do it, and this is their clarification.

I am quite disappointed that Mr Rattenbury has backed them on this issue. What the resolution says is that any member be given a pair. As we explained in discussions when I spoke about this with Ms Burch, say there was a Green MLA here who wanted to vote with the government on an issue, then it would be up to the opposition of the day to provide the pair. It is not hard. It really goes to the heart of something Justin Trudeau said. He was asked why was the party's cabinet predominantly women. He said, "It is 2016, isn't it?" It is 2016, members.

Mr Corbell: And you are no Justin Trudeau.

MR SMYTH: And you will not be either, Minister Corbell, when you are finished.

Mr Corbell: I was not claiming to be.

MR SMYTH: You have got seven sitting days, make the most of them. We will not miss the witty interjections, because there have not been that many. But it is 2016. All the resolution says is, "Let the pairs work it out." If you cannot catch that—I can talk slower, we can write it down, we can even draw pictures. We should not be sending this to admin and procedure. It should have been passed today, and I think you really ought to have a good look about what you stand for.

MRS DUNNE (Ginninderra) (11.55): I would just like to reflect on the manner with which this was dealt with by the Manager of Government Business. This whole matter could have been resolved a lot more quickly had the Manager of Government Business been courteous enough to tell Mrs Jones and the members of this place, when he adjourned this, there was another motion to refer, and we would not have needed to have a division. This could have been dealt with in a much more harmonious manner if the Manager of Government Business had just done his job in managing government business.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (11.56): I had not intended to speak on this matter but, as Mr Smyth saw fit to draw me into it, I will take the opportunity. The reason I was not particularly going to speak was that I thought it was a perfectly reasonable proposition for this to go to the administration and procedure committee as changes to standing orders normally do, as it is a reasonably standard thing to do. And I was looking forward to discussion in admin and procedure as we work our way through what seems a perfectly reasonable proposition.

That said, I do not actually understand what a standing pair means. I am interested to work through what that would definitionally mean. It is a new concept. I have not seen the words "standing pair" used in this place before. I would be keen to understand what that actually means.

We have now had the sort of sanctimonious view put to us that there was no consultation on the process. Let me simply reflect back to the chamber that I was not consulted on my views on this prior to it being brought forward. There has been no discussion about the passage of this proposed standing resolution and what it might mean. There was no discussion amongst colleagues prior to its coming to the chamber today.

Mrs Jones has proposed amendments to the Mental Health Act later today. She has put forward proposals to amend the Mental Health Act and I have not heard from Mrs Jones. Yet I have no doubt that in the next few hours Mrs Jones is going to be looking for my support on those amendments, and I have no idea why she is putting them forward.

Mrs Jones: You are part of the government.

MR RATTENBURY: She is interjecting across the chamber.

Mrs Jones: You are not the relevant minister.

MR RATTENBURY: She is still interjecting across the chamber—and I can hardly hear myself think—that I am not the relevant minister.

Dr Bourke: On a point of order, Madam Assistant Speaker, the continued interjections from the opposition are making it difficult for Mr Rattenbury to speak, which is contrary to the standing orders.

MADAM ASSISTANT SPEAKER: Thank you, Dr Bourke. I would ask the opposition to come to order. When I say "Order", that would generally mean that you would stop your interjections, just in case you are not quite clear what "Order" means.

Visitors

MADAM ASSISTANT SPEAKER: Before we continue and resume with Mr Rattenbury, I would like to welcome Ainslie primary year 6 to the gallery. Welcome to your Assembly.

Administration and Procedure—Standing Committee
Reference

MR RATTENBURY: Mrs Jones has been interjecting across the chamber that I am not the relevant minister, but as Mrs Jones might have learned after 3½ years in this place I am actually a member of the Greens Party and I exercise my own vote in this place. Yes I do often vote with the Labor Party in this place, because I happen to agree with them more often, but, as members will know, there have been occasions on which I have voted with the other party as well. Mrs Jones is simply reflecting on her own ignorance, or her wilful ignorance, of the construct of this chamber.

MS BERRY (Ginninderra—Minister for Housing, Community Services and Social Inclusion, Minister for Multicultural and Youth Affairs, Minister for Sport and Recreation and Minister for Women) (11.59): I wanted to rise today just to confirm to Mrs Jones that every single member in this place at this time supports the right of a woman with care and responsibilities to come into this chamber and breastfeed when she comes back to work. There is no doubt about that.

Mr Jones interjecting—

MADAM ASSISTANT SPEAKER: Mrs Jones, I called you to order.

MS BERRY: Mrs Jones is right to say that we need to make sure that whoever comes into this place as a member of this Assembly continues along that path as well, and that every person who comes into this place to work has that right as well. But simply making the call to future members of this place is not going to make that right.

What this does is get it absolutely right through the admin committee and makes sure that every person who comes into this place has the right to care for their child in this

chamber. That is the appropriate place to do it. I would hate to have a woman come into this place with a new child and have the very unfortunate circumstance that somebody would make a decision that would be contrary to something that we all support in this place absolutely, 100 per cent.

The call is for every member to go ahead with our wishes—every single member in this place's wishes—but we need to make sure that that is absolutely concrete and that nobody will be treated differently in the future. The appropriate place to do that is admin and procedure, to make sure that it is absolutely clear. We are all clear but perhaps future members will not be clear.

For every single one of us who has had breastfeeding responsibilities for our children, we know that it is difficult. We all understand that. I hope that Mrs Jones understands that every single one of us supports the rights of parents to be able to care for their children in this place and we need to make sure that future parents get that chance as well.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (12.01), in reply: I thank members for their input on this motion. I do wish to apologise to Mrs Jones. I had instructed my office to touch base with her and advise that this was the procedure that the government wished to follow. Unfortunately, that did not occur. My sincere apologies for that.

However, it is important that this is dealt with by the admin and procedure committee. I have served on that committee before and I know the important work that they do in ensuring that we have the best outcomes for the parliament as it goes forward.

Question resolved in the affirmative.

Strategic Review of the ACT Auditor-General
References to committees

MRS DUNNE (Ginninderra) (12.02): I move:

> That:
>
> (1) in relation to the recommendations of the report on the 2016 Strategic Review of the ACT Auditor-General the following matters be referred to the following committees for inquiry and report:
>
> (a) the Standing Committee on Administration and Procedure to:
>
> (i) consider and make recommendations as to the continued relevance and adequacy of the provisions of the Legislative Assembly (Office of the Legislative Assembly) Act 2012;
>
> (ii) consider and make recommendations relating to the capacity of the Office of the Legislative Assembly to provide administrative support to the Speaker in the performance of the Speaker's role and functions in relation to the independent officers of the Legislative Assembly; and

(iii) consider and make recommendations on any other matters raised in the report the committee considers relevant according to its terms of reference; and

(b) the Standing Committee on Public Accounts to:

(i) consider and make recommendations regarding the establishment of a term of appointment for the ACT Auditor-General to be included in the Auditor-General Act 1996; and

(ii) consider and make recommendations on any other matters raised in the report the committee considers relevant according to its terms of reference; and

(2) the committees report to the Assembly by the last sitting day in August 2016.

As I foreshadowed yesterday when I tabled the *Strategic review of the ACT Auditor-General* by Des Pearson AO, I have moved this motion today because there are matters raised by the strategic reviewer that need to be scrutinised by committees of this Assembly. The Standing Committee on Administration and Procedure should address the matters raised in relation to the relevance and adequacy of the provisions of the Legislative Assembly (Office of the Legislative Assembly) Act 2012 to consider and make recommendations about the capacity of the Legislative Assembly to provide administrative support to the Speaker in the performance of the Speaker's role in relation to independent officers of the Legislative Assembly.

As members would recall, I raised this as an issue during annual reports hearings last year because, while I am very supportive of the creation of officers of the Legislative Assembly, we have been in uncharted waters. My office and I have been creating new procedures as we go along, with the assistance of the Clerk's office and particularly with the assistance of David Skinner. But that has been an informal arrangement and I want, while I am still the Speaker, to create a more formal arrangement for that to continue to happen. I do not want to leave the Speaker's post without having created sufficient form and practice for my successors to be able to carry out this job without having to reinvent the wheel.

These are important matters. While I am concerned that perhaps it is not entirely appropriate for the Office of the Legislative Assembly to provide advice to me about my relationship with other officers of the Legislative Assembly, I think that there is no other practical solution. I think the advice and assistance that I have received have been of the highest and most exemplary form.

I was very concerned about the processes which were left essentially to the Speaker and to the Speaker's own personal staff to deal with. I think that is not appropriate. For instance, today I shall be signing a service agreement in relation to the Auditor-General for the audit of the Auditor-General. I think it would be entirely inappropriate for that work to be done by somebody who was not a public servant.

The other aspects that have been raised by the strategic reviewer relate to the term of the Auditor-General, as I touched on yesterday. The current Auditor-General is appointed for seven years and for a non-renewable term. In changing the legislation and making the Auditor-General an officer of the Legislative Assembly, those provisions were—I presume inadvertently—deleted. The next time we go to appoint an Auditor-General there are no provisions for the term of the Auditor-General or whether or not that term should be renewable. Mr Pearson has given advice about how we might address that.

The general view is that the term should be somewhere between seven—which has been the case in the ACT—and 10 years and that the term should be non-renewable. This is a matter that falls within the purview of the public accounts committee. Therefore this motion also refers those matters to the public accounts committee for investigation and report. It also gives the public accounts committee the opportunity to consider the strategic review more broadly. Because this is an important matter which should be dealt with by this Assembly, I am also asking that the committees report to the Assembly by the last sitting day in August. I commend the motion to the Assembly.

Question resolved in the affirmative.

Education, Training and Youth Affairs—Standing Committee
Report 6

MR HINDER (Ginninderra) (12.07): I present the following report:

> Education, Training and Youth Affairs—Standing Committee—Report 6—*Inquiry into Vocational Education and Youth Training in the ACT—Final Report,* dated 9 June 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The committee's interim report for this inquiry was tabled in the Assembly on 17 February and contained a number of recommendations. Two recommendations were specifically directed at finalising a matter of considerable importance in the committee's inquiry, that is, the structure, delivery and outcomes regarding the performance of the CIT electrotechnology course, which came under scrutiny during the committee's inquiry.

The background to that matter is that the CIT was forced to deal with an influx of 270 students from an external private RTO that collapsed and then had to accommodate them in an unexpected and unplanned-for manner regarding their ingress to the course.

The committee, in recommendation 4 of its interim report, noted that it could not report finally on this matter until a review of the CIT electrotechnology course had been completed by the Australian Skills Quality Authority—ASQA—and tabled in the Assembly. The report was subsequently tabled by the minister on 7 April, a matter noted in the committee's final report. The ASQA review, sadly, did not provide the assurances and answers that the committee hoped it would.

The committee's recommendations in the final report are four in number and focus on the committee's follow-up analysis of the administration of the CIT course, and ways in which CIT can ensure that public and industry confidence in this very important trade course is maintained.

In summary, the committee recommends that the minister compel CIT to review each electrical trade graduate and provide an assurance that combined courses following the unexpected combining of the ElectroSkills and CIT course resulted in all students completing the mandatory components or units to obtain the electrical trade qualifications they were awarded. The second recommendation deals with the possibility that that was not the case and recommends that CIT should then ensure that those graduates are brought up to the skill level required.

The committee sought advice from CIT as to when a response to the interim report would be provided and was given the impression that CIT would provide such a response direct to the committee last week. However, the committee has since received advice from the minister that the response to this recommendation, together with the government's response to other recommendations in the committee's interim report, will now be tabled in August.

I understand there is a difference of opinion as to whether organisations like CIT are able to be asked direct questions by committees or whether, as with other public servants, all inquiries should go through the minister's office. Notwithstanding this difference of opinion, the committee was frustrated in that it was assured several times that the response would be forthcoming, only to effectively run out of time in terms of the current Assembly. We have tabled our final report today. It contains an additional number of recommendations that may have been avoided if we had been able to get hold of what was a reasonably simple piece of information.

The committee recommendations, in summary, are that CIT should identify processes and assessments it has taken to ensure that all electrotechnology apprentices have adequately demonstrated the skills and understanding to have become qualified. Further to that, should the minister not be satisfied with CIT's response, an independent, appropriately certified assessor or organisation should be commissioned to perform an audit. The response from CIT and the minister should be made to the committee as soon as possible and in any case by the first sitting day of the Assembly in August.

The committee also recommends that, in relation to any of CIT's courses, now that what might be referred to, in education terms, as a 100-year flood having occurred—270 students entering an ongoing course—CIT should now be effectively put on notice to have in place some sort of contingency plan and a way of accessing the

resources that are necessary to deal with such things should it happen again. The minister should then satisfy herself that CIT has taken those steps and that the protocol for the proposals put by the committee in this report is adequate. I commend the report to the Assembly.

MR DOSZPOT (Molonglo) (12.12): As the chair, Mr Hinder, has mentioned, the education, training and youth affairs committee faced a number of challenges in coming to this final report. As I indicated earlier this year, when the former committee chair, Ms Porter, tabled the interim report, the inquiry took longer than perhaps it should have. As I said then:

> The report might have been concluded some time last year. But then a number of submissions containing quite astounding allegations came to the committee from initially one, quite frankly, brave trainer with CIT, and then subsequently several other trainers and then still later industry representatives supporting the earlier claims.

We have now had the benefit of the results of an ASQA audit. We have seen a less than satisfactory and sadly disappointing response from CIT to the internal and external criticisms and to this committee's requests. So today we now have the final report.

Have we done enough? Will it make a difference? I certainly hope so, because a number of very passionate people have put their careers, their reputations and their relationships within industry on the line to bring issues to light. I hope so, because we are dealing with the training of apprentices, which in itself is very important. But in an industry like electrical trades, it can mean the difference between life and death if the training has not been adequate and thorough.

I hope the report makes a difference, because this is not the first time I have tried to bring CIT to account. I have been accused in the past of not being supportive of CIT, with claims that I want to bring it down and sully its reputation. I contend that in fact quite the opposite is true. It is because of my concern for and support of the important role that CIT plays in the ACT community and in the wider industry sector that I continue to highlight where it needs to do better.

There are some very dedicated teachers and trainers in CIT who, too often, have been let down by CIT management. I remind the Assembly that CIT was presented with an improvement notice some years ago about its bullying and treatment of staff. Promises were given that things had changed. More RED officers were engaged. I was assured that everyone was now on the same page.

We have evidence from teachers and trainers within the electrotechnology department in this latest inquiry that there were suspected cover-ups, short-changing of training and cutting of corners. But when staff tried to point out the deficiencies they were harassed and apparently bullied.

As the report highlights, the committee is not entirely satisfied as to why ASQA chose to audit only such a narrow range of units. I would have thought a more credible review would have looked at all of the capstones that were referenced in evidence to the inquiry.

I am not satisfied that CIT has treated the committee's request with the appropriate level of respect and a timely response. I hope that it is not a portent of things to come under CIT's new management and board. I had hoped for better. It may be appropriate that CIT be referred to the Auditor-General so that we can all be satisfied it is performing at its best and in the best interests of industry and its students. That is an option open to us.

CIT does important work. Training apprentices for the future growth of Canberra is an important task. Industry must have confidence in the apprentices it takes on and that the tradespeople that CIT ultimately qualifies, who are installing electrical cabling, building houses, erecting scaffolding, pouring concrete and installing plumbing and gas lines, are all competent and trained to industry standards and community expectations.

I would like to thank the incoming chair of the committee, Mr Hinder, for his willingness to find a pathway through the myriad of evidence to come to a conclusion that satisfies all committee members. He came late to the committee and has had a lot of material to cover. I thank the committee secretary, Andrew Snedden, and his staff for their work in support of our deliberations.

I would also like to acknowledge Mr Ian Dunstan and his continuing efforts to get the electrotechnology course at CIT back on track. He believes passionately in and understands the importance of having properly trained electricians. He was, and I suspect still is, concerned that there have been too many shortcuts taken and too many mistakes made in ignorance at the CIT management level.

CIT were presented with a difficult task when an RTO that was training electrical apprentices closed their doors, and it is to the credit of CIT that they took them on. But it is now obvious that it was beyond CIT's capacity at the time to do so within their then-existing resources, and they perhaps should have taken more advice as to how best to manage it.

If this report does nothing else, it should serve as a lesson to CIT and other RTOs that there can be no shortcuts when training in such vital and dangerous trades. I commend the report.

MR HINDER (Ginninderra) (12.18), in reply: I would like to add to my previous comments. It would be remiss of me not to note the contributions of my fellow committee members—Mrs Jones, Ms Burch and Mr Doszpot—and also former members who took part in this inquiry—Ms Berry, Ms Fitzharris, Mr Coe and my predecessor Ms Porter. Thanks also, of course, to the secretariat staff, Mr Snedden and Ms Chung.

Question resolved in the affirmative.

Health, Ageing, Community and Social Services—Standing Committee
Report 8

MR WALL (Brindabella) (12.19): I present the following report:

> Health, Ageing, Community and Social Services—Standing Committee—Report 8—*Inquiry into Youth Suicide and Self Harm in the ACT,* dated 2 June 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

It is with delight that on behalf of the chair I present the committee's final report into youth suicide and self-harm in the ACT. It was a fairly short inquiry period but certainly a very important topic, introduced and initiated by Mrs Jones. The committee has reported back with three recommendations. The committee recommends that the ACT government update the Legislative Assembly on both the development of the national database and progress made in relation to improving the collection of ACT data, particularly in relation to receiving consistent data from community-based organisations.

Recommendation 2 is that the ACT government update the committee in relation to its negotiations on mental health funding, including with the Capital Health Network. Recommendation 3 is that the ACT Assembly consider re-examining this matter when funding and research outcomes are made public in order to determine the most appropriate way to further develop early intervention measures, education approaches and access to services for suicide prevention activities in the ACT.

Those recommendations largely came about on the basis of the evidence the committee received around a lack of specific data relating to youth suicide and youth self-harm. Largely, the statistics are pooled between both juvenile and adult instances of suicide. Also, there is no centralised record being kept as to what instances are occurring.

I would like to take the opportunity to thank all the community organisations that made submissions on behalf of their organisations. I also particularly thank the couple of individuals who wanted to share personal experiences in this space. I understand that for them that would have been a very challenging experience. But it is one that enabled the committee certainly to gain a greater understanding of the legacy that remains once someone chooses to take that devastating and permanent decision to end their life.

I also would like to thank the contributions of all committee members: Ms Burch, who is absent today, is the chair; Ms Lawder and Mr Hinder; and also a very big thank you to Nicola Kosseck, who is the secretary to the committee. All the best to her while she is on maternity leave. I also thank Kate Harkins, who stepped in in her absence at the tail end of this inquiry to finish the report and to go through the deliberations with the committee.

I commend everyone on the effort that they have put in. However, I would highlight the need for more time and more effort to be put into understanding the challenges in the space of youth suicide and self-harm. The next Assembly hopefully will take a

much longer and more considered view of this to get to the nub of the issue and really start to unpick where the shortfalls and the gaps are. Hopefully, this would mean that we could see an end to the trend of youth taking this drastic decision.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 27

MR SMYTH (Brindabella) (12.22): I present the following report:

> Public Accounts—Standing Committee—Report 27—*Review of Auditor-General's Report No. 1 of 2016: Calvary Public Hospital Financial and Performance Reporting and Management,* dated 31 May 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The committee is getting a little ahead of itself on this report. I commend the members of the committee for the way we have tackled this issue. On 8 April this year, Madam Speaker, you tabled a report from the Auditor-General entitled *Report No 1 of 2016: Calvary Public Hospital financial and performance reporting and management*.

The difficulty for us as a committee is that with the four-month delay that the government has to respond to the committee—working from 8 April—that would take us to 8 August before the committee actually got a government submission. That, of course, really rules out the ability of PAC to do anything. That is the start of the second sitting week, the budget debate week. I think we all know what then happens after that.

So what the committee determined to do was to look at the report after a detailed briefing from the Auditor-General. We have come up with five recommendations. The first recommendation is that the government take appropriate steps to ensure that its response to the report is actually tabled by the end of the first sitting week in August.

What that will do is enable members to look at the government's response and how they intend to tackle the issue. This would give anyone who wanted to comment, and that would include members of PAC, an opportunity to do so in the budget week itself. As there will be, as there always is, a substantial amount of time devoted to debating the health budget—one-third of the total budget—if members had comments on whether or not the government was taking appropriate steps, they could be addressed.

The dilemma would be if the government tabled its response on the first sitting day of the second week of the August sittings, which is when it is technically due. If this were to happen, perhaps the ability to respond would be somewhat limited. Certainly doing it in the first week of August sittings would allow members to read the response and mull it over on the weekend.

The second recommendation of the committee is in anticipation that the government will comment on whether or not they have accepted in whole or in part the recommendations. The committee believes that by the last sitting day in August 2017—so this in effect a recommendation to the next government—the government should report one year on as to what the government of the day has done.

What we are recommending here is a summary of actions to date, either complete or in progress, proposed actions, implementation time lines and where actions have yet to commence. The problem, as you would well understand Madam Speaker, is that some of these reports come in at the end of an Assembly and unfortunately do not get picked up by an incoming Assembly.

Recommendations 3 to the government is that it should take appropriate steps to improve the contract management capability of all government contracts it enters into on behalf of the territory. The recommendation states:

> This should include: (i) clear allocation of contract management roles within the acquiring entity; and (ii) adequately resourcing, relative to the size of each contract, the respective contract management functions within each acquiring entity to effectively manage the contract(s).

Some of what is in the Auditor-General's report is that there were contracts that were hardly managed or managed at a poor level of resourcing. Sometimes what was intended by the contract does not occur or is not monitored appropriately. So if we are signing particularly big contracts, let us make sure we are getting value for the taxpayers' money that the government of the day spends.

Recommendation 4 states:

> … that the ACT government take appropriate steps to ensure that all contract acquiring entities within ACT Government monitor contractor performance in accordance with the contract provisions, and where applicable, take appropriate steps to act on contractor underperformance.

Again, if members read the report they will see that there is commentary on the underperformance of contractors.

Recommendation 5 states:

> … that the ACT Government take appropriate steps, as part of specific contract provisions, to require contracting entities delivering services on behalf of the Territory to ensure, relative to the size of each contract, that: (i) public interest disclosure policies and procedures are developed, implemented and appropriate steps taken to monitor compliance; and (ii) an employee code of conduct is developed, promoted and appropriate steps are taken to monitor compliance

We really need to make sure that the money is spent wisely and where the contractor is not spending the money wisely, if staff are aware of this, they should have means by which to raise that issue. Ideally, you would think they would do that in house with

the business but, if necessary, consideration should be given as to how they might go outside that and use the public interest disclosure policy. It is taxpayers' money. It is being spent through the contracting processes of the government; so we need to make sure that all is done according to Hoyle.

I will finish by thanking my colleagues, Ms Joy Burch, Ms Nicole Lawder and Mr Jason Hinder for their assistance in doing this expeditiously, getting ahead of the game and putting out a report before the government had even commented. With that, we would, as always, thank Dr Andrea Cullen for her support to the committee. She is an excellent secretary and we thank her for her efforts.

Question resolved in the affirmative.

Sitting suspended from 12.29 to 2.30 pm.

Questions without notice

Canberra Hospital—bed occupancy rates

MR HANSON: My question is to the Minister for Health. Minister, in the week beginning 1 June 2016 was the Canberra Hospital subject to a code yellow?

MR CORBELL: I will need to take the question on notice. The Canberra Hospital is subject to a range of code alerts throughout the year, so I will need to ascertain some further information from the Canberra Hospital.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, during the same week was the chest pain clinic closed for new admissions?

MR CORBELL: I will take the question on notice.

MADAM SPEAKER: Supplementary question,

MRS JONES: Minister, during the same week were any other wards closed for new admissions?

MR CORBELL: Not that I am aware of. Indeed, I am not aware whether the claim made by Mr Hanson is accurate or not. That is why I will take that and the specifics of Mrs Jones's question also on notice.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, during the same week did the bed occupancy rate exceed 100 per cent?

MR CORBELL: It is not clear to me whether Mrs Jones is asking over the entire period of the week or any one instance during the week, but I am very happy to provide further details to her.

Budget—rates

MR SMYTH: My question is to the Treasurer: how much will rates for units and townhouses increase in percentage terms for each year between 2017-18 and 2020-21?

MR BARR: The rating methodology for units will change in 12 months' time, and that will lead to a one-off adjustment that will be phased in over two years. Rate increases for units vary, of course, according to changes in land values around the city. But they will be the same other than for that change in methodology, for which the detail is outlined in the budget papers.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Treasurer, why will the rates bills for many units and townhouses have doubled between 2012 and 2020?

MR BARR: There will have been a range of factors associated with changes in rates. Rates go up every year. They have gone up every year. They have gone up every year under Liberal governments; they will go up every year under governments of either political persuasion into the future. Whilst rates have increased, stamp duty has come down, insurance tax has been abolished, payroll taxes have been cut, and the territory transitions to a simpler, fairer and more efficient tax system.

Opposition members interjecting—

MR BARR: The point remains that if those opposite are so opposed then they should go to the next election and say that they will put stamp duty back up, they will reinstate a tax on insurance products and they will decrease the payroll tax free threshold. I know they will not do that, because the Leader of the Opposition, despite opposing every change we have made, intends to retain those changes after the fact. That demonstrates just how hypocritical this attack is. If you are genuine in your belief that this is the wrong path to pursue—

MADAM SPEAKER: Address the chair, Mr Barr.

MR BARR: Madam Speaker, if those opposite are genuine in their belief that this is the wrong path to pursue then they should unwind the changes, put stamp duty back up, put a tax back on insurance and increase payroll taxes. Let us see them try.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how will the AUV be split between the various units on a block? Will the size and position of the unit be taken into consideration?

MR BARR: The change in methodology is outlined in the budget papers, and I invite the member to look at the detail there.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what will be the total increase in revenue received by the unit rates increases on the Northbourne corridor?

MR BARR: It will be difficult to isolate that, given that we will not be certain of the number of new dwellings on the Northbourne corridor until development is complete.

Westside village—improvements

MR WALL: My question is to the Minister for Tourism and Events. I refer to reports in the *Canberra Times* of 26 April 2016 that you sought works approval from the National Capital Authority to improve the aesthetics of the Westside container village. What aesthetic improvements are being proposed and why are the aesthetics of the Westside village so bad?

MR BARR: I understand that it is to allow approval for some public art works to take place. It is perhaps an interesting question of bureaucracy and red tape that works approval is required for works that are so minor in nature. Nevertheless, they are the conditions and works approvals are sought for various improvements that include changes to art works in the area.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, at what point does the NCA approval for the site and structure expire; and has an extension been sought and/or given?

MR BARR: I understand that in the spring, yes, and we are presenting to the NCA board in a couple of months, I am advised.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, are all the traders at Westside paying rent, and are they up to date in their rent payment?

MR BARR: That is my understanding and I believe so, but if that is not the case I will advise the Assembly.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: How many traders have left Westside, have any left with rent in arrears, and have those arrears been waived?

MR BARR: There may be a small number of traders who have left. I understand the net increase in traders, though, in recent times would more than offset the number of traders who may have left. As to arrears, I will need to take that question on notice.

Housing ACT—safety compliance

MS LAWDER: Madam Speaker, my question is to the minister for housing. In March this year, a public housing tenant in Braddon questioned whether their public housing unit, and the unit complex as a whole, complied with fire safety requirements. The constituent was very concerned for their safety and for that of other tenants and, in particular, was concerned that the doors connecting the units to the basement car park, and the front doors of their units, might not be fire safety doors. Minister, do all public housing properties in the ACT comply with current fire safety requirements, and when was an audit of this last conducted?

MS BERRY: Regarding the apartments in Braddon, Housing ACT have been working very closely with those residents to make sure they are as safe as possible. For Housing ACT, the first priority is for those tenants to be as safe as possible and for all Housing ACT tenants to remain as safe as possible. I am not advised of any other public housing in the ACT that does not meet the requirements. In fact, the legislation introduced by Mick Gentleman yesterday will address some of those other issues for housing more generally across the ACT in making sure they comply with building requirements. That will mean more inspections and if there are Housing ACT houses that are being built by builders across the ACT, they will fall into that as well, and the inspections will be implemented under that regime.

Mr Coe: A point of order.

MS BERRY: As far as whether Housing ACT has conducted—

MADAM SPEAKER: A point of order. Sit down please, Ms Berry. Stop the clock, please. On the point of order, Mr Coe.

Mr Coe: The point of order relates to relevance. The question Ms Lawder asked was do all housing properties in the ACT comply with current fire safety requirements and when was the last audit conducted. I ask that the minister come to those points.

MADAM SPEAKER: On the point of order, I did hear Ms Berry say that she did not think there were problems in any other housing developments, but I did not hear anything in relation to an audit. I remind Ms Berry of the provisions of the standing orders and ask her to be directly relevant to the question.

MS BERRY: Thank you, Madam Speaker. As I said, I have not been advised that any residences of Housing ACT do not comply with those fire safety regulations. I am not aware of any concerns that have been raised with me about that. I will get some advice about whether an audit has been conducted and will bring some advice back to the Assembly.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, what, if anything, has Housing ACT done to ensure that all public housing properties, new and old, in the ACT comply with fire safety requirements?

MS BERRY: Thank you for the question. All Housing ACT properties, like any other housing properties in the ACT, would be required to meet fire safety requirements. That would be the case.

Ms Lawder: So were these.

MS BERRY: If the member has a particular question about these apartments that she would like me to respond to then I can respond to that specifically. But she has asked more general questions about whether or not an audit has been conducted. I have responded to that question.

Ms Lawder: Not really.

MS BERRY: She keeps interrupting, Madam Speaker. On the question of whether or not public housing properties comply with fire safety, I would suggest that they do.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, why is it that the ACT did not know that this particular Braddon public housing property may not be meeting fire safety requirements?

MS BERRY: Thank you for that very specific question. I can provide some advice to the member on this particular issue. Housing ACT was first alerted to the possible problem with the doors to the basement of the Lowanna Street complex following contact from a tenant on 8 March 2016. Housing ACT met with representatives from the fire brigade and the fire safety engineer from Dyson Pty Ltd on site on 10 March 2016. Interim short-term and longer term solutions were agreed to.

Opposition members interjecting—

MS BERRY: Madam Speaker, I am sure that you are interested in my response but I am not sure that those opposite are particularly concerned. Interim short-term solutions were all completed: installing doors close to the basement doors and erecting signage and temporary fencing around car spaces directly in front of basement doors. The basement doors were replaced with fire compliant doors on 18 April 2016. Smoke seals and door closers have been fitted to all units in the complex.

The fire protection engineer consultant, Dyson, provided Housing ACT with the fire integrity audit on 8 May 2016. The report identified further rectification works needed on the property. A further interim measure to improve fire safety that involved the linking of individual unit fire alarms is currently being carried out through Spotless while legal advice is pending.

Housing ACT is keeping tenants informed about the further works that are required, and I hope that that advice assists members on the information that they sought on this issue.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, does Housing ACT simply assume that all public housing properties comply. If not, how frequently are audits conducted?

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

Budget—family violence measures

MR HINDER: My question is to the Minister for Women. Minister, how does the 2016 budget improve responses to family, domestic and sexual violence across the entire service system in the ACT?

MS BERRY: I thank the member for the question. Domestic, family and sexual violence is confronting stuff for all of us, but I have been pleased with the way that our community has responded to the major response which was announced in the ACT government's budget on Tuesday. It shows that we as a community, Canberrans, understand that we all have a role to play in responding to this problem.

The 2016 ACT budget is a landmark step forward in the next phase of the reform of the way our service system addresses family, domestic and sexual violence. The budget commits more than $21 million to respond to family violence, the largest new funding initiative in the ACT's history in this area.

But it is more than just a new investment. It is a reform of the way our community works together to tackle family and domestic violence. An investment of $2.6 million will fund the development and implementation of centralised and integrated case management and case coordination for families who have experienced family violence. It will be located within a family safety hub. The ACT government will work with domestic violence services to co-design the family safety hub, along with relevant directorates and other stakeholders.

In addition to working with our front-line non-government services, we are increasing funding. An additional $416,000 over four years will be allocated to the Canberra Rape Crisis Centre and an additional $830,000 over four years to the Domestic Violence Crisis Service. The budget increased funding of $996,000 over four years for third-party interpreter services. This funding responds to cuts made by the federal government to this vital service. It will make sure that people from culturally and linguistically diverse backgrounds have fair access to the ACT law courts and tribunal as well as specialist ACT family and domestic violence services. These programs continue the work that we have done but also build on it. The safer families package response also includes new programs such as the provision of $145,000 to consult with people with disabilities, family carers and providers about restrictive practices and how we improve the way in which they are implemented. $770,000 to train front-line workers in services right across our community is also an important step in achieving the system and cultural change that is needed.

The government has thought very carefully about this response and the decision to fund it through a levy. We know how important funding is to the organisations that have been doing this work for decades and we are committed to making sure that they can support women and children experiencing violence while working to address its causes.

The government has put this response together based on the evidence and the experience of the leaders in the field and three extensive reports, together with ongoing consultation with service providers. I look forward to continuing this work together as we implement our response.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, what investment is the government making to address family violence at the earliest possible stage; and why is early intervention important?

MS BERRY: We know that for many people who want to leave family or domestic violence, a major challenge is being able to cope financially. That is why this budget allocates $315,000 over four years to fast-track access to financial support for women wanting to get themselves out of a violent situation. This will provide quick access to the existing Housing ACT bond loan scheme, which assists people to find rental accommodation and meet the short-term needs of themselves and their children arising from leaving the home. This is the support that many women have told us that they need. It allows them to keep their independence, get away from violence and, if need be, get a fresh start.

As a government we also want to support victims of violence to stay in their homes, where that is the appropriate step, and to remove the person at risk of offending. That is why we are providing funding of $964,000 over three years for an innovative breathing space program, which will be one of two programs of its type in the Southern Hemisphere. The program involves a three-month therapeutic residential program for men who have committed or are at risk of committing violence in the home, in addition to up to nine months of support for women and children to remain in their homes. It is an innovative program that brings together existing services and new funding to support the whole family, aiming for less upheaval for victims and changing behaviour in the long term.

When violence becomes part of people's lives, it has effects for generations and for whole communities. This funding has a focus on stopping it before it starts.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, what additional or current statistics are being collected by the government regarding this area of grave concern to allow for measuring the effectiveness of a specific response?

MS BERRY: I thank Mrs Jones for her question. It is very important over the next four years, as this funding package is rolled out, through conversations with the experts in the sector, that we do see it is actually making a difference, that we do see things turning around, and that we as a community get the chance to have a significant change in the way that we address violence in our community.

Ultimately, all of us want it to end. So I will be working very closely with support services here in the ACT but also with my counterparts across the country—women's

safety ministers in states and territories everywhere, particularly Fiona Richardson in Victoria, whom I spoke to last week about this funding that we announced in the budget this week.

I will be talking with them about how they are setting up their family safety hubs as well as how they are putting together their family safety steering committees later this month. So it is important that we do work out the best way that we can measure the success of how this funding is addressing violence in our community.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, in particular, how will results be measured and what statistics will be collected?

MS BERRY: As I said, I will be talking with the experts in the support services sector who have been working in this field for decades attempting to address violence in our community, as well as experts across the country who are implementing similar programs to those that we are here in the ACT, as well as Victoria.

We really want to get this right. This is a serious issue, and we do need to start turning it around as a government and as a community. It is a national issue and we can all address it. We need to get those measurements right to make sure we are actually turning things around and we can end violence.

Gaming—poker machines

MR DOSZPOT: My question is to the Minister for Economic Development and the Minister for Tourism and Events. Minister, I refer to a report in the *Canberra Times* of 7 May 2016 that there may have been a clause in the Aquis sponsorship of the Brumbies allowing Aquis to exit the deal in September if the government had not made a decision on allowing poker machines in the casino. Minister, was this report correct?

MR BARR: I have too much respect for Mr Doszpot to suggest that he should not take everything he reads in the *Canberra Times* at face value. But matters of commercial sponsorship arrangements between Aquis and the Brumbies are indeed matters between Aquis and the Brumbies.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what role did your government play in negotiating the Aquis sponsorship of the Brumbies?

MR BARR: No role.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, was the government involved in any quid pro quo related to the decision to allow poker machines at the casino and, if so, what else was involved in the deal?

MR BARR: No, and I would advise the member that she would be well advised not to make accusations like that outside this chamber.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, when did you make the decision to end the community model restricting ownership of gaming machines to not-for-profit organisations?

MR BARR: We have not yet taken that decision, Madam Speaker.

Budget—rates increases

MRS JONES: My question is to the Chief Minister. Minister, why have you chosen to steeply increase residential rates charges for multi-unit dwellings at a time when many Canberrans are struggling to afford to buy land?

MR BARR: As I indicated in response to previous questions and in my budget speech presentation, the government has sought to introduce changes to the way we calculate rates for multi-unit dwellings. This reflects anomalies in the system that is currently in place that sees there being quite a disparity in rates paid between very high value units with people paying very low levels of rates and low to medium value standalone houses with people paying rates sometimes in advance of million-dollar units. We believe that an appropriate adjustment to the methodology results in a fairer distribution of the rates per unit.

MADAM SPEAKER: A supplementary question, Mrs Jones.

Members interjecting—

MADAM SPEAKER: Can I hear Mrs Jones, please.

MRS JONES: Minister, what impact will these rates increases have on rent?

MR BARR: Minimal.

Mr Hanson: It won't be passed on?

MR BARR: We are talking about $150, so it is $3 a week.

Dr Bourke: A point of order.

MADAM SPEAKER: A point of order. Could we stop the clock, please.

Dr Bourke: Madam Speaker, the opposition has been continuously interrupting the Chief Minister during his answers to these questions and, in fact, even interrupting Mrs Jones when she was attempting to ask questions. It is disorderly and I would ask that you do something.

MADAM SPEAKER: I have called members of the opposition to order, and they know how they should behave. Mr Barr, on the question of the impact on rents.

MR BARR: Thank you, Madam Speaker. As I was saying, the change in methodology, on average, would mean around $150 a year, so that would equate to a little less than $3 a week. If you were to assume that would be fully passed on to rents, the maximum impact would be a little less than $3 per week. However, we do know that rental prices are, of course, the interaction of supply and demand in the rental market. With a significant addition of supply in the pipeline, there is no doubt that there will be downward pressure on rents in this city.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Chief Minister, will all unit owners now be offered kerbside rubbish collection as a part of their rate increases?

MR BARR: Where that service is practical, that service is provided to households in multi-unit developments. In some circumstances, clearly, that is not practical to have hundreds of individual garbage bins or recycling bins on very narrow streets. So there is a collective response across a body corporate for the delivery of those particular services.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Chief Minister, at what point will you acknowledge that your punitive rates increases are imposing a significant cost impost on so many Canberra families' budgets?

MR BARR: The government recognises that in making a change away from inefficient taxes like stamp duties and insurance taxes we are saving many Canberra households thousands of dollars each year, and we also acknowledge that in making that transition we are asking the entire community to pay a little more. But they are the policy choices. You can tax seven per cent of the population and hit them for tens of thousands of dollars every time they move house. For example, if you have a baby and you need to move into a bigger house because your family is growing, Mr Hanson wants his hand in your pocket then for $25,000 or $30,000. That is the policy approach of those opposite. It is a choice; it is a choice between efficient or inefficient taxes.

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

Appropriation Bill 2016-2017

[Cognate bill:
Appropriation (Office of the Legislative Assembly) Bill 2016-2017]

Debate resumed from 7 June 2016, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (3.00): Madam Speaker, on Tuesday this week, Andrew Barr presented his fifth budget, and, more than anything, it showed very clearly that this is an election year. What was interesting, members, about Andrew Barr's speech, was not so much what he said but what he did not tell Canberrans—like the facts about rates. We all remember at the last election when Andrew Barr said rates would not triple. Well, we now know the truth.

This year Andrew Barr announced a slowing of the rates rises that are causing so much pain. The fact is that the pause in the pain is for one year only—this election year. Then it is back to Mr Barr's rates grab again if Labor are re-elected. The fact is that people's rates will go up an extraordinary 20 per cent on units, hurting those on the first rung of home ownership and adding to the cost of renting as those costs are passed down. So if you pay $1200 for your unit in rates now, if Labor are re-elected at the following election you will be paying nearly $2000 in rates every year. The fact is that the take from commercial rates is going up another 10 per cent, slamming small business yet again.

In another election year special, Andrew Barr announced green bins. But the fact is that it is only a trial and it is only for some of Canberra. That is perhaps the biggest backflip in ACT election year history, and it is hard to think of a more shallow, poll-driven announcement—until you look at the bus announcement. The government proudly announced a direct bus to Civic, but the fact is that that, too, is only from one location and—would you believe it—even more cynically, only for one single year. It just happens to be the election year.

The fact is that a lot of the announcements in the Labor Party's budget are actually re-announcements of Liberal Party policies. The Horse Park Drive duplication is a Liberal Party policy copied by Labor. The Cotter Drive duplication—a Liberal Party policy copied by Labor. Ashley Drive and Gundaroo Drive duplications—Liberal Party policies copied by Labor.

Then there is the great myth of economic responsibility. Once again, Mr Barr has promised a surplus in the outyears of this budget. That is his promise. But the fact is that Mr Barr has promised a return to surplus in every budget, but it is always just over the horizon and it has never actually happened. Since Mr Barr has become Treasurer he has actually racked up deficits of $1.1 billion. That is the fact. Mr Barr in five years has spent more than a billion dollars than he has received in revenue, and that is despite all of the rates increases. The fact is that since he has become Treasurer, debt has gone from virtually nothing to $2 billion dollars, and the whole community has to pay the price.

In this budget, the take from land tax is up 11 per cent; duty on rego and transfers another 11 per cent; utilities tax is up nine per cent; and the take on parking, up 22 per cent. That is the truth of this budget, and it is a truth born from an inescapable fact: that, this government has been in power for too long. It is a truism that old governments turn sour and they start to smell. And the smell around this 15-year-old government is manifest in three critical failures.

Firstly, as is evident, they are not delivering on the basics of good government. Schools are struggling, waiting lists are the worst in Australia, hospital beds are full and our bus network is neglected. Meanwhile our cost of living is skyrocketing.

Secondly, this government is focused on their own priorities and not those of mainstream Canberrans. While Mr Barr continues to support spending $1.65 billion on a tram simply to enable his power-sharing agreement with the Greens, the majority of the electorate are being left behind.

But in many ways, and most disturbingly, this government has about it the stench of nepotism and cronyism. After 15 years in power, the Barr government has become entangled in a series of suspect land deals, it has become addicted to pokies money, and it is corrupted by links to militant unions while it governs by means of secret backroom deals.

As the *Canberra Times* said in a recent editorial, this is "government by cronyism". The CEO of the Council of Small Business recently wrote an editorial titled "Living in the crony capital". Even former Labor Chief Minister Jon Stanhope has said publicly that the unions and factions have "corrupted the party". He has called for an end to what he calls the rorting and has said that the Labor Party—and I quote, Madam Speaker, from the former Labor Chief Minister—has become a "plaything of a handful of union-based factional leaders".

The *Canberra Times* editorial on 17 March called out Mr Barr's secret deal with the unions, observing that, and I quote from the editorial:

> The deal between the state government and UnionsACT just doesn't smell right.

The way the ACT is being governed today is in many ways reflective of Mr Barr's factional Labor background—it is a government for the insiders, the Labor cronies and the factions. As the *Canberra Times* observed again this week in another editorial:

> … many voters have concluded the inflexibility of thinking and disdain of criticism the Chief Minister Barr affects from time to time betrays a familiarity with power not wholly admirable nor indeed desirable.

And that is what we have now, and that is why we need change.

It is clear that Mr Barr and I are very different people with very different experiences and very different values. Mr Barr has risen through the Labor Party machine in Canberra as a political staffer. His experience does not extend much beyond local Labor factional politics and working in this Legislative Assembly.

My story is different, my values are different and my vision for the future is different. My background before politics of serving for 22 years in the army has given me a broader view of life. Indeed, my career took me all over Australia and throughout some of the most dangerous and underprivileged places in the world. It instilled in me the army's values of respect, teamwork, courage and initiative. But more than that, my

life before politics instilled in me the important principle that you put your people first and you leave no-one behind.

That important principle has stayed with me and it shapes the way that I view my duty to our community. So it is that my vision is to create a better future for all Canberrans, not just for the select few. To achieve that vision, my priorities are to fix our health system. We will invest in education. We will build our city. We will grow our economy. We will leave no-one behind. That is our underlying principle, and it is possible to do.

It can be done if you put all Canberrans ahead of the insiders. It is possible if you spend your resources for the benefit of all. To put it simply, because we will not waste $1.65 billion on a tram, we can fix the health system, we can invest much, much more into education, we can support better programs throughout our community and we do not need to triple your rates. Madam Speaker, they are my priorities. I have expressed them before and I will keep doing so up until the day of the election. And if we form government they will be the priorities that inform my government.

Investing in our children's future and our education system is a fundamental priority for us and, although we are a lucky community, in many ways there are too many children being left behind. They are facing disadvantage. When we see a child in a cage in our schools that has been paid for with taxpayer money, it is clear something has gone terribly wrong.

We need more help for children with disabilities and we need better prevention and early intervention options for children in crisis. I am proud to announce today that under a Hanson Liberal government we will deliver an $85 million package to provide more support for children in our public specialised schools, to provide better support for public school infrastructure and support for children who need additional learning support across the non-government sector.

We know that children with high needs across our four specialised schools need as much support as we can provide. The Woden School, Malkara, Black Mountain and Cranleigh, we will provide an additional $7.5 million package that will provide an extra $4 million for important infrastructure and capital upgrades and an additional $1 million a year in ongoing funding to support staff. We will work with the directorate and the school leaders and, importantly, with parents to make sure that this extra money makes the real difference needed to ensure that our children facing challenges get the help that they need.

Madam Speaker, we must repair the damage that was done to our public school system when Mr Barr, as education minister, closed 23 Canberra public schools. We must make sure that our school system has adequate capacity and make sure that our schools are being maintained properly as core businesses.

So I announce today that under a Liberal government we will increase funding for public school capacity, building, infrastructure and maintenance across our existing public schools by an additional $60 million. We will work with the directorate and school communities to allocate resources where the need is greatest so that our children are not in overcrowded classrooms or in rundown school facilities.

We support every cent of the funding for our children in our public schools who require extra learning support. We will maintain this funding, but we will also provide support to those children in the non-government school system who are being left behind.

Currently, the government is relying on potential federal funding in this sector, but it has acknowledged the need, as was reflected in the Shaddock review. I will quote from a recommendation:

> The Panel believes that the issue of 'perceived disparity' remains an unnecessary, ongoing, contentious and sometimes divisive one in parts of the ACT community. The Panel urges the ACT Government and the non-government sector to work together to promote greater school and community understanding of the regulations of the needs-based SRS model, in regard to additional funding for students with a disability.

That is what we will do, Madam Speaker. As a starting point, the Canberra Liberals will provide $5 million a year for a total of $17.5 million in support of children with special needs in our non-government schools. This will help meet the individual learning needs of those children and will go some way to assist in the implementation of the recommendations of the Shaddock review across all Canberra schools. We will work closely again with the Catholic and independent schools across the ACT to implement this funding.

Madam Speaker, this is just the beginning of our extra support for the education system, and we can provide that because we will not be spending $1.65 billion on a tram over the next 20 years.

And we will fix our health system. We have all of the elements to give Canberra the world's best health system. We have excellent staff, a medical teaching school, a world-class medical research facility, universities that train nurses and much, much more. But, as we know, under Labor we now have the longest waiting times for emergency departments in Australia. We have got the most expensive health costs in Australia. We have a toxic workplace culture, and we have a critical shortage of hospital beds. With a growing and an ageing population and health expenditure consuming about a third of the budget, we must make fixing our health system a core non-negotiable priority.

We need to make the system bigger. It needs to be smarter and it needs to deliver better services. This means more hospital beds in more locations, it means a better culture for our staff, it means a better experience for patients and it means a greater focus on prevention and early intervention. Under a Hanson Liberal government we will restore the 60 overnight hospital beds that have been cut by the Labor Party at the planned University of Canberra Hospital.

How our city is planned, how our local environment is preserved and how our city is connected is also fundamental to our way of life. We are privileged to live in a city so beautiful. It is a beautiful bush capital. But in recent years what we have seen is Civic and our town centres degenerate and our suburban environment spoiled in many places.

We support effective policies to reduce carbon emissions, but our environmental priorities must also be focused on local conservation. We will improve and simplify the planning laws and ease the fees and charges that are stifling innovation and growth and sending so many of our local city builders interstate.

Our laws are resulting in poor planning outcomes and they are not supporting homebuyers. In fact, this government has created a housing affordability crisis for first home owners. We will improve the flawed land release system that has been, I think, the greatest impediment to affordable housing in the ACT. To address this, we will not have a tax on density and vibrancy in the city as the Labor Party does. We will create a true city heart in Civic while we can maintain the character of our suburbs. And we can do this because we will remove the lease variation charge that is strangling this city.

Urban maintenance and our local environment are also areas in urgent need of attention. Territory and municipal services should not be viewed as a second order priority as they have been under this government. Public transport, road infrastructure and roads have been heading backwards under this government.

We will invest in buses and road infrastructure that will provide better options and quicker transport for all Canberrans across all of our suburbs. This includes better public transport from Gungahlin along the Northbourne corridor; that can be significantly improved without spending $1.65 billion dollars on a tram.

We will grow our economy, As a Liberal it is in my DNA to support economic growth. Strong economic growth will deliver social benefits and jobs and the ability to deliver world-class services and infrastructure across our city. But economic growth requires a dynamic and a confident private sector supported by the government.

We need a cultural change away from the anti-business, class warfare view of society that dominates this Barr Labor government to one that recognises and values business within our community. We also need to transition away from Canberra's dependency solely on the federal government. We need to take advantage of the other sectors that we have that are growing: ICT and education, amongst others.

This can only be achieved by fixing the ACT's restrictive tax and regulatory regime and embracing a culture of innovation and of enterprise. The reality is that small business simply cannot survive in this town with rates increases every year, year on year. We must make Canberra a place where people want to do business.

Through targeted policies and cultural change, we will drive growth and job creation. By encouraging innovation and an entrepreneurial culture, we will reduce the tax and regulatory burden on business and we will provide better targeted support for key commercial sectors.

As I have said, Madam Speaker, I believe we have a duty to look after the vulnerable and to build a fair and a safe community. We will strengthen our communities by recognising and supporting diversity in religion and culture and we will sustain a safe

and tolerant city for all Canberrans. We will not leave the disadvantaged, the disabled or the vulnerable behind, and we will respect and support our ageing community. We are committed to closing the gap for Indigenous Australians. We will help those who are facing the challenges of mental health, drugs and homelessness with compassion. We will address housing affordability and make sure that social housing targets those who are in greatest need.

We will restore the 60 beds—I will say it again—cut by Labor. We will restore the $15 million cut out of policing by Labor. We will place nurses in all of our special schools. We will provide 50 additional buses and reform our entire bus network with our comprehensive bus policy that has been released. We will increase funding for domestic violence prevention and we will also establish a domestic violence court. We will introduce coward punch laws. We will provide for testing of autonomous vehicles. We will duplicate Gundaroo Drive. We will duplicate Cotter Road. We will duplicate Ashley Drive. We will build a flyover on the Barton Highway. We will remove the lease variation charge that is strangling our city. We will simply and improve the ACT's planning laws. We will make sure we continue to live in a vibrant community by supporting our local arts, sport and cultural organisations.

I said earlier that Labor has copied a number of those policies, Madam Speaker, and I welcome that. But it is a shame that it takes the pressure of an election year for Labor to start considering delivering things that this community actually needs.

Two areas remain that provide the biggest differences between a Barr Labor government and a Hanson Liberal government, that is, rates and light rail. I am pleased to confirm today that we will stop the unfair household rates increases. In this budget $266 million is collected in conveyances that Mr Barr planned to put onto household rates—$266 million extra a year every year onto your rates. This will happen under Labor; it is not a matter of if, it is simply a matter of when.

If we form government in October we will not continue with Mr Barr's unfair rate rises. We will not transfer $266 million a year onto your rates. That does mean that some stamp duty will remain, but only at the higher end of the market for those who can most afford it and only when people choose to move. We will not put it onto the rates of every Canberran every year, whether they can afford it or not.

Mr Barr interjecting—

MADAM SPEAKER: You are warned, Mr Barr.

Mr Barr interjecting—

MADAM SPEAKER: I warn you, Mr Barr.

MR HANSON: As we know, Madam Speaker, this is completely cost-neutral. He does not like this one, Madam Speaker. He does not like this one at all.

And lastly, we will stop light rail. We will, and we can.

That this government has become consumed by its own priorities instead of the needs of the people has no better example than the white elephant that is light rail. As Mr Coe, my deputy, has conclusively proved, light rail is not a good transport solution for our city, and it is not a good economic option for our city either. It is the price of government, pure and simple—a $1.65 billion price tag for power.

It is not just how much the light rail will cost us, but what this territory will miss out on because of it. We already know the health system is reeling under a lack of resources. Yet this government chooses to spend $1.65 billion on a project that Infrastructure Australia rejected. We know that our schools are bursting and our teachers need more support, and our children need more support. Yet this government chooses to spend $1.6 billion on a light rail system for only a fraction of Canberrans. We cannot even get the rubbish collected properly. I notice that the garbos are on strike yet again, yet this government chooses to spend $1.65 billion simply to appease the Greens.

Madam Speaker, we can and we will stop light rail. It is unneeded and it is a financially crippling project.

This is a bad budget from a bad government. But, with the right government, I am actually very optimistic about the long-term future of Canberra. My team is unified. The members of my team are hard-working; they are capable. Most importantly, my team is in touch with communities. I am proud of the work that they have done over the past four years and I really value the diversity in my team, the broad life experience that they all bring to our party.

There is a clear choice for Canberrans in October: an out-of-touch government for the favoured few, focused on delivering for themselves; or a new team, focused on delivering for the community.

Let me finish where I started, to make very clear and very simple the big fundamental difference between my government and the Barr government, should we be successful in October: because we will not waste $1.65 billion on a tram, we can invest more in health—*(Time expired.)*

MADAM SPEAKER: Order, members! Before I call Mr Rattenbury, I remind members that the custom for the delivery of the budget speech by the Treasurer and the address in reply is that there should not be interjection. There was interjection. I am putting all members on notice. You are all warned. The next person who interjects will be taking an early mark. The question is that the appropriation bill be agreed to in principle.

MR RATTENBURY (Molonglo) (3.27): I welcome this opportunity to share the ACT Greens' perspective on this year's budget.

A budget is the time when a government shows its true colours, because budgets are a time of choice for governments. One of the things that progressive governments do is tackle the challenges of the future head on, rather than shying away from challenges and continuing in the same old ways.

Conservative governments, on the other hand, often turn their back on the big challenges of the day, and the new and emerging issues, pretending that the solutions being put forward are too hard, too expensive or too risky. You do not have to look too deeply into their budget commentary, and even into the budget decisions of their federal conservative colleagues, to know that what we have across the chamber over there is a party of great conservatism.

Here in the ACT, we pride ourselves on being a progressive jurisdiction, be it with our world-leading climate change targets and renewable energy achievements; our progressive values around equal marriage; our support for the most vulnerable in our community, including those on low incomes, those with mental health issues or those who are members of our LGBTI community; our access to abortion services; our adoption of a Human Rights Act; or our anti-SLAPP legislation that ensures that big corporations cannot use legal action to stop activists from protesting. This city has consistently acted on important issues.

It is often challenging, but as a committed representative of the Greens and also a member of a Labor-Greens government, I am proud of the work that I have contributed to this government and to its budgets.

This budget is the last in a four-year journey that was founded in the Labor-Greens parliamentary agreement. Successive budgets have given life to the many progressive and green initiatives that were laid out in that agreement: initiatives like renewable energy and emission reductions; light rail; and social housing. And there is the protection of our environmental assets, like the significant investment of around $80 million in the Murray-Darling Basin priority projects in this budget to improve the water quality of our lakes and wetlands. This 2016-17 budget delivers even more from this agreement.

Over the past four years, I have taken the opportunity of the budget speech to discuss the fact that each of the budgets, had they been delivered by a Greens government, would surely have looked a little different. There are differences in the choices that the Greens would make compared to those of the Labor Party. But that is a strength of this power-sharing government: the different members of the government bring different priorities and perspectives, sometimes agreeing, sometimes disagreeing, but always focused on the best outcomes for Canberra.

So to the future. Let me comment on what this budget delivers and what it says about this Labor-Greens government.

Before I address the specifics of funding, I want to reflect on something that is generally not prominent in the budget but is about our future: climate change. Climate change was placed front and centre in the agreement the Greens made with Labor and has been fundamental to the government's agenda. Climate change underpins much of what we are doing to plan for the future. Again, this contrasts to the approach of our conservative colleagues, who still favour the interests of big business and the coal industry.

Here in the ACT, we have nationally leading climate change targets. The 40 per cent emissions reduction target was implemented through the Greens parliamentary agreement with the Labor Party in 2008. That target has guided many other decisions and initiatives since then. This target and the corresponding action on climate change are one of the crucial issues under threat should a conservative government be elected in the ACT in October.

The climate change target, as well as our long-term vision for a sustainable city, underpins our strong commitment to building light rail right across Canberra. We have signed the contracts. The commitment is real. This year's budget shows forward planning that fully covers the costs of light rail, including its capital infrastructure, operational and maintenance costs. Despite the chicanery of the Liberals, we know exactly how much it will cost and where the funds will come from. We know we can afford it, and it is less than one per cent of the budget—a bargain for such an important project.

Light rail will positively shape our city as it grows through its second century. I do not see light rail as some political win for the Greens, as the conservatives would have you think. Light rail is simply one of the many bold and courageous decisions we need to take as a progressive government to respond to the real challenges facing our city. The next decades will see sharp population growth, the need to reduce our transport emissions, and the need to ensure access to transport for everybody in our community. As a smart and caring government does, we are preparing this city for the future.

A conservative and oppositional government like our local Liberals will always look for an excuse not to undertake this type of project: it is too risky to build; too expensive for us; or, my all-time favourite from the Canberra Liberals, "we love buses more". As someone who has been in this Assembly for several years now, and has seen all of the Liberal Party's hostile and negative manoeuvring on public transport, I can say that what is absolutely clear is that the local conservatives do not like public transport at all. Their fancy new bus plan sticks out like a sore thumb in an ocean of opposition to public transport improvements, to anything progressive, sustainable, or done for the long term. It messes with their stated view that everything must turn a profit, that all transport should be individualised and atomised, that public transport like light rail is somehow "anti-family". Yes, that is what our local opposition has said in this chamber, that public transport is "anti-family".

Let me turn to the response to domestic and family violence in this budget. This government is a responsible and progressive government when it comes to the issue of domestic and family violence. The Greens welcome the government's $21.4 million commitment in this budget to responding to family violence with its safer families package. While the Greens know that this funding will not cover everything that needs to be done to combat violence and sexual assault in our community, this is a significant investment that, combined with the clear recommendations from recent reports on domestic and family violence, will ensure that the ACT is able to improve our systems, our responsiveness and our support systems. Integral to this is the creation of a full-time position of coordinator-general for family safety.

This funding will lend a range of increased support services to assist victims of violence. I particularly note and welcome funding for the Domestic Violence Crisis Service, the Rape Crisis Centre and Legal Aid. Although it is certainly a major issue in our community, one concern is the restricting nature of the term "family violence". We know that there are many in our community who experience violence at the hands of someone they know but where the offender is not a family member. For example, they could be a carer of a person with a disability. With sexual assault, approximately only 35 per cent of it is perpetrated in a family violence context, yet 79 per cent of victims know their offender. Whilst we support and applaud the current efforts, we draw attention to the fact that a significant proportion of those experiencing violence will still fall through the cracks. This is probably the area that needs to be addressed next; in particular, a disability justice strategy will need to be developed.

This is also a good budget for health services for the ACT, with a record $1.6 billion provided for infrastructure, doctors, nurses, staff and services. There is an additional $31 million for our emergency departments; $4.6 million for additional intensive care; $5.3 million to expand the trauma unit at the Canberra Hospital; and $2.1 million for a palliative care for children and young people expert, which is a sad thing but something our community needs. As our population is ageing, we have also invested $5 million for improved stroke services; $4.2 million for increased outpatient services; $1.3 million for people with Parkinson's disease; and $1.3 million for endoscopy.

This budget continues the government's investment in mental health, with another $50 million appropriated, including $43.4 million for staffing the secure mental health unit, an item prioritised in the parliamentary agreement and due to open later this year. The funding also, importantly, includes an adult step-up, step-down service.

Turning to housing, as a progressive government we are continuing to invest in new public housing properties. Although the Greens continue to be concerned about the level of public housing being provided, we are very pleased that the government has taken this opportunity to firmly invest more than $300 million in new, energy-efficient dwellings, meaning that the people that are least able to pay expensive heating and cooling bills will have lower energy bills in modern housing, a better quality of life and a more comfortable home to live in.

There is a clear gap, which the Greens have raised many times over the years, between people who are eligible for public housing and those who must pay for private rentals but are on low incomes. This is an outstanding issue which needs a range of responses to solve. The government has invested seed funding in this budget for homes for homes, which we hope is a successful program to help low income and vulnerable people into affordable housing. Unfortunately, we are no longer well supported nationally by peak housing and homelessness organisations such as the Community Housing Federation of Australia and Homelessness Australia, who were able to offer policy support in this area. This is a result of the federal budget cuts, meaning that these important organisations are no longer providing the policy advice that we need here in the ACT.

Madam Speaker, one of the goals of the Greens in the ACT is to make Canberra an exemplar of a smart, green city. But what does it mean to be a smart, green city? A green city embraces Greens' values. It cares for its environment. It cares for its people. It recognises that by making policy decisions that prioritise people and the environment we also create a city of wellbeing that is sustainable and that is economically prosperous. Reaching for economic prosperity at the expense of people or the environment will never work. A smart, green city is smart because in pursuit of these goals it embraces new technologies, best practices, cost-effective interventions, cutting-edge research and targeted improvements. In the coming months the ACT Greens will outline a range of initiatives that will help the implementation of Canberra as a smart, green city.

We can also see examples of it happening already, through recent budgets and in this budget. The Civic cycle loop and Bunda Street shareway have been recognised with planning awards. There is the continuation of the ACTsmart program aimed at reducing waste and increasing recycling in business. Electric bus trials are another step towards a fossil-fuel free public transport system, as is the research to be undertaken to investigate electric vehicle uptake in the ACT. Urban wetlands preserve our environment and improve water quality. We saw more progress in this budget with water quality works at Isabella pond and the creation of the Molonglo River reserve.

But there are so many more opportunities for Canberra to lead as a smart, green city, through innovation, education and training in new, green industries. My Greens colleagues and I will have plenty more to say on this as we head towards the October poll.

Progressive governments deliver education funding that ensures everyone has a chance at a good quality education. I am pleased as education minister to have announced funding this year to build the capacity of our public schools to respond to the needs of all students. The schools for all program has sharpened our focus on schools being truly student centred and giving the best chance to every student, irrespective of their background and irrespective of the barriers they might face. The $21.5 million announced this week, combined with more efficient processes and pathways, will strengthen how we support our students.

We have also provided $41.5 million to expand facilities to meet the fast growth in student numbers in Gungahlin and updates to school facilities across other regions in Canberra. Canberra's public schools are great schools, and our investment in ongoing quality assurance for all schools will ensure they stay great and get even better.

Last year the ACT government signed a whole-of-government ACT Aboriginal and Torres Strait Islander agreement which commits the government to a range of measures to overcome Indigenous disadvantage. The Greens are pleased to see this being progressed in this year's budget through a $2 million justice reform program for services and support for offenders with high and complex needs, and their families. The Greens are deeply concerned about the high rates of Indigenous incarceration and I look forward to seeing the results of this funding having a long-term and lasting impact on breaking the cycle for offenders in our Indigenous community.

I am also pleased to see funding for specialist outreach health programs for Aboriginal and Torres Strait Islander services, investment in supporting Aboriginal and Torres Strait Islander students at risk of leaving school, a two-year pilot program to strengthen Ngunnawal culture and history in our schools, funding to support artists and cultural organisations to build their capacity and mentoring and training for Aboriginal and Torres Strait Islander staff in the ACT public service. Also, importantly, there is a newly funded position to manage the ACT Parks Aboriginal Advisory Group. This was an issue I spent time developing when I was the Minister for Aboriginal and Torres Strait Islander Affairs and Minister for TAMS, and this is an important recognition of the cultural history of this region.

I am pleased that the community sector funding indexation has been set at 1.8 per cent above the CPI and only just below the WPI. This will help our community sector continue to meet their cost increases.

Let me turn to the issue of the rates changes for units here in the ACT. I note this is a one-off adjustment. People who live in units currently pay significantly lower rates than people who live in houses. Given that Canberra is changing and there are now people choosing to live in large apartments for lifestyle reasons, the rates schedule no longer reflects in a fair way the cost to government of servicing people. We need to ensure that rates are fair for people who live in million dollar apartments as well as people in small houses in the suburbs. This is part of the ongoing and necessary tax reform in this city to ensure the sustainable delivery of services over the long term.

I want to turn to transport, an essential issue in this city and one that will be heavily contested during this election year. We need a more compact city, a city where people can walk and cycle and rely on public transport and perhaps not even need a car—or at least not need two, three or four cars—in their household, a city where services are easier to access, amenities are easily available and you get to know your neighbours. We need modern urban lifestyles with high quality open space. We need to end the sprawl of this city. We need that for environmental and social reasons. Every new suburb eats up existing native habitat but it also pushes people further to the edges of the city seeking affordability but being trapped with poverty resulting from the cost of transport.

A Greens government would give an even higher budget priority to public transport. This year's investment in buses is welcome but it needs to be put into perspective. Ten new buses will replace only 10 of the close to 200 ailing buses that are already past their retirement age. We need all of our existing buses and more, even with light rail, so that the light rail and bus networks integrate effectively, so that we can accommodate growth and so that we can actually achieve the public transport mode shift targets that the government aspires to.

The transport initiatives that the Greens have been advocating for are those that will genuinely move Canberrans towards becoming a more sustainable city. That means more investment for additional services as well as accommodating growth. Expanding the Molonglo and Weston Creek service is a good investment, especially as Molonglo is a new and growing area.

It is a relief to see the government has committed to trialling electric buses. There is considerable work to do on this issue and we need to get moving. Electric buses tend to be used on shorter trips so that they can recharge. The new free city loop may actually be a great candidate for such an electric bus.

As part of our transition away from fossil fuels, the Greens want to see a plan for transitioning our ACTION fleet to clean fuels. On this note, I think that the government should also be trialling hybrid electric buses and biodiesel fuelled buses. The contract for 10 new buses should allow for the purchase of buses other than diesel buses. That is the approach the Greens want to see for the future.

Finally on transport, I am not satisfied with the level of investment in active transport, that is, walking and cycling. I appreciate the government has acknowledged its importance but without the accompanying investment it risks becoming just rhetoric. We all know and acknowledge that we need to focus on building active transport to help break car dependency, to help improve health outcomes and to ensure we have vibrant and livable suburbs and centres. But this budget has not delivered enough on active transport, and without it we are not really building the sustainable city that is promised.

Instead, there is a typical focus on roads, especially as the Canberra Liberals and the Labor Party start on their election year roads race. This budget invests over $117 million in 2016-17 in roads projects alone and $256 million over four years in roads projects. In contrast, only a little over $3 million in new capital specifically for active travel infrastructure over the next four years is clearly marked in the budget. The $256 million for roads and $3 million for active travel means the active travel investment is around one per cent of the roads investment. The Greens raise this enormous budget discrepancy every year and I wonder which year we will finally begin to truly change it.

There is always a strong case made for each of these roads to be built but I read a paper recently that said that for the cost of one kilometre of urban freeway you can build about 150 kilometres of quality, separated bicycle paths, 10,000 kilometres of cycle lanes or 100 well-designed 30-kilometre an hour zones. That really puts the enormous roads spend in perspective. Delaying even just one of these projects could fund enormous and quality investment in active travel infrastructure.

We have real and pressing challenges in Canberra and, as we evolve into a bigger and more modern city, transport is at the core of how we plan and develop to meet these challenges. It is time we made sustainable infrastructure a genuine priority.

On transport policy, the Liberal Party are a total write-off, as they have proven over and over that they have no interest in our long-term sustainability challenges. The Labor Party, I think, can be proud of some of its efforts but has more work to do.

The Greens' objective is to actually see the genuine investment that will deliver the better outcomes we need to achieve for our city's future. The evidence is there. Over the longer term this kind of investment will pay for itself many times over by avoiding the problems associated with high car usage and by delivering improved livability and health.

I would like to make an important point about our community legal services. These services do so much for the community and they save money for government by supporting and educating the community and diverting people from the courts. They were hit hard by the federal budget cuts of 2014 but the ACT has been able to support Legal Aid and Canberra Community Law.

But in the ACT, our Environmental Defenders Office is faced with the threat of closure. Complete funding cuts from the federal Liberal government have left it in a place where it cannot continue without supplementary funding. The EDO has sought funding from the ACT government to keep it afloat. This is not unprecedented as other states have stepped in to assist their local EDOs. But in this budget there has not been the ability to provide funding for the EDO. There was an either/or choice and this budget has chosen to withhold the small amount of funds required and has left the EDO to its own devices.

I understand the reluctance to fill the gap left by the federal government's poor decision but we simply cannot hang our EDO out to dry. Is the ACT really going to let itself be the only jurisdiction without an environmental defenders office—the ACT, a champion of environmental issues, a jurisdiction with a beautiful natural environment and a jurisdiction with a high level of involvement in the environment? This is not an outcome that I support and I repeat my call for us to try harder to dedicate the small amount of money required to save the ACT's Environmental Defenders Office.

There are, of course, good initiatives in this budget when it comes to biodiversity. There is an additional $700,000 for pest plant and animal management, as well as land management funding, an important part of our parliamentary agreement.

Let me turn briefly to green waste bins. I have supported the introduction of a green bin trial to collect data to inform the ongoing waste feasibility study that is underway. The Greens are still concerned that this pilot does not deal with kitchen waste, which is one of the key domestic waste issues that are still going to landfill. The trial will help gain a better understanding of green waste: how much is produced by different households and at different times of the year and the likely costs and opportunities involved in implementing this service more broadly—collection, processing and finding an end use.

This trial must involve consultation with industry and aim to minimise impacts on existing businesses. It is something that we recognise a strong desire for in the community and I think this is an important provision of a municipal service that our community has asked us for.

In summary, I speak today on behalf of the Greens but I am also proud to speak on behalf of this Labor-Greens government, and it is indeed a unique place to speak from. The people of the ACT can be clear that this government is a progressive government, a stark contrast to the conservative government that is vying for office on 15 October.

I am pleased that we have a well-balanced budget that still is not afraid to forge ahead with key initiatives like light rail. I am pleased that we have weathered the storm that has been the federal government over the past few years and we have come out well on the other side. I am proud that we have responded to identify needs in our community on family violence and support for our students in schools. And I am pleased we are investing in public housing and hospital services.

In October there is going to be a very clear choice about the future for our city. It will be a battle between a progressive government that looks forward and is sustainable and fair and a conservative government that looks backward and is stuck in the past. This is a budget that looks to the future while nurturing and supporting the most vulnerable in our community, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Reference to Select Committee on Estimates 2016-2017

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

> That the Appropriation Bill 2016-2017 and the Appropriation (Office of the Legislative Assembly) Bill 2016-2017 be referred to the Select Committee on Estimates 2016-2017.

Papers

Mr Barr presented the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contracts:
>
> Janine Hammat, dated 14 April 2016.
>
> Meredith Whitten, dated 12 May 2016.
>
> Nicole Stenlake, dated 17 May 2016.
>
> Short-term contracts:
>
> Ann Lyons Wright, dated 6 and 10 May 2016.
>
> Benjamin Ponton, dated 27 and 29 April 2016.
>
> Bernadette Mitcherson, dated 17 May 2016.
>
> Bradley Burch, dated 27 April 2016.
>
> Brett Wilesmith, dated 11 and 12 May 2016.
>
> Cheryl Harkins, dated 27 and 28 April 2016.
>
> Donald Taylor, dated 17 May 2016.

Donald Taylor, dated 19 and 20 May 2016.

Jacob Collins, dated 18 and 19 April 2016.

Judith Gosper, dated 9 and 10 May 2016.

Karen Doran, dated 30 April and 10 May 2016.

Matthew Richter, dated 1 and 2 May 2016.

Matthew Wright, dated 27 and 28 April 2016.

Paul Rushton, dated 17 May 2016.

Yu-Lan Chan, dated 27 and 28 April 2016.

Contract variations:

Bernadette Mitcherson, dated 27 and 28 April 2016.

Bernadette Mitcherson, dated 18 and 19 May 2016.

Chris Bone, dated 9 and 10 May 2016.

Craig Simmons, dated 13 and 16 May 2016.

David Matthews, dated 6 and 9 May 2016.

David Snowden, dated 12 and 13 May 2016.

Donald Taylor, dated 28 and 29 April 2016.

Elizabeth Beattie, dated 27 and 28 April 2016.

Emily Dean, dated 15 April 2016.

Geoffrey Rutledge, dated 26 April 2016.

Grant Kennealy, dated 29 April and 2 May 2016.

Judianne Childs, dated 9 and 10 May 2016.

Liesl Centenera, dated 16 May 2016.

Louise Gilding, dated 13 and 15 April 2016.

Louise Gilding, dated 5 May 2016.

Mark Huxley, dated 14 and 15 April 2016.

Paul Rushton, dated 28 April 2016.

Samuel Engele, dated 19 and 21 April 2016.

Therese Gehrig, dated 20 and 23 May 2016.

Tracy Stewart, dated 19 and 21 April 2016.

Warren Prentice, dated 9 and 10 May 2016.

Territory-owned Corporations Act, pursuant to subsection 19(3)—Statement of Corporate Intent—Icon Water—2016-17 to 2019-20, dated 16 May 2016.

Legislative Assembly—accommodation
Statement by Speaker

MADAM SPEAKER: Before I call Mr Gentlemen, I will just go back a little. Members, as you know, it has been my practice throughout the accommodation

project to provide regular progress updates each sitting period. Just as this Assembly is drawing to an end, so is the accommodation project, a project that is clearly the most significant for this institution since the Assembly occupied this building in 1994.

With the completion of recent works on the refurbished space on level 1, the central objective of this project has been delivered, which was to have suites for 25 MLAs and the capacity to cater for up to nine ministers. The recent completion of works on level 1 has also delivered a much-needed new meeting room configuration with an adjoining catered kitchen as well as refreshed exhibition space. I am sure that members, current and future, will take full advantage of these new facilities, as they are much needed.

Apart from the Assembly chamber, only a few more weeks of work remain. Between now and late July work will be completed on the upgrading of heating, ventilation and cooling equipment as well as the remaining toilets that are part of the upgrade schedule. There is also some recarpeting and repainting to be done.

Over the next month the site sheds of our construction contractors which have been situated under the north-west colonnade since September last year will be demounted and the colonnade reinstated. For the Assembly chamber, work is progressing to complete final design of the new central table. It will be installed after the Assembly rises for the last time for this term in August. During those last sitting days in August I intend to make a final statement to the Assembly in which I will provide members with a full account of the cost of the project, which, at this time, seems to be ahead of time and slightly under budget.

Planning and Development Act 2007—variation No 339 to the territory plan

Paper and statement by minister

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

> Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 339 to the Territory Plan—ACT Public Housing Redevelopments—Kaleen section 117, block 23—(old Bocce Club)—Zone changes and changes to the Kaleen precinct map and code, dated 6 June 2016, including associated documents.

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

Leave granted.

MR GENTLEMAN: The territory plan variation seeks to implement part of the urban renewal program by facilitating residential development on the old bocce club site in Kaleen. Increasing residential densities in key locations in existing suburbs improves housing options near existing services and facilities while reducing the impacts associated with urban sprawl.

Variation 339 seeks to rezone Kaleen section 117 block 23 from the community facility zone to the high density residential zone. It also inserts provisions into the Kaleen precinct code to stipulate building heights across the site. It limits building heights for a large area of the site to three storeys, and only allows for four and six storeys in height to the south of the site and at its lowest point.

Prior to the preparation of DV339 the proposal to rezone the old bocce club site raised some issues with the community. These included concerns regarding traffic on the shared road with Huntington apartments, the height of buildings in terms of overshadowing and overlooking, and the density of the proposed development. In response to the concerns raised the draft variation was revised to amend the building heights proposed and to clarify the location of the different building heights.

DV339 was made available for public comment from 2 July to 17 August 2015 and attracted three submissions. The main issues related to impact on gardens at the University of Canberra High School Kaleen, suitability of use for public housing, especially for older public housing tenants and the social impact of the development, impact of building heights and development on the site, and access into the site. A report on consultation was prepared responding to the issues raised in the submissions.

The Community Services Directorate is proposing to relocate parts of the garden at UC High School Kaleen that may be affected by overshadowing to other parts of the high school site. This will allow the garden to continue operating at its current capacity.

It is planned to develop part of the site for units which are designed to a class C adaptable standard. Lifts will be provided to allow easy access for people, including those with a disability. Private residential use will be introduced into the southern part of the site and is expected to create a mixed community. The established facilities in the local area, including a pathway network to local community facilities, existing bus services and the nearby Kaleen group centre, make the site very suitable for residential development.

Amendments to the Kaleen precinct code as part of DV339 will ensure that the taller building elements are located at the rear of the site, being its lowest point. This, along with the existing plantings, will significantly reduce the potential impacts of the buildings on the site.

In 2015 a development application was lodged for a proposal on part of the subject site for supportive housing. To respond to issues raised regarding traffic, the application was approved subject to conditions relating to traffic management measures. The conditions include the requirement for McLeod Street to be widened as well as requiring traffic lights to be placed at the corner of Baldwin Drive and McLeod Street to assist with traffic flows.

As part of the assessment of DV339 the Community Services Directorate commissioned a traffic impact assessment for the development of the site. This found that the overall traffic impact of the development is negligible. Notwithstanding the

traffic report, all future applications for development on the site will be referred to the Territory and Municipal Services Directorate to assess the potential impact on traffic created by the new development. It is anticipated that the upgrades to the intersections required for the current development proposal will also cater for any additional development on the site.

I am satisfied that the issues raised by the community, both during the pre-consultation activities and during the statutory public notification period, have been adequately addressed. As such, I did not feel it necessary to refer the draft variation to the Standing Committee on Planning, Environment and Territory and Municipal Services.

School enrolment
Paper and statement by minister

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (4.00): I present the following paper:

> Enrolment Projections for Canberra Public Schools for 2017-2018, pursuant to the resolution of the Assembly of 6 April 2016 concerning school enrolment projections.

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

Leave granted.

MR RATTENBURY: On 6 April 2016 the Assembly passed a resolution calling on the government to make public the Education Directorate's enrolment projections for each school for 2017 and 2018 by the last sitting day of June 2016, and outline to the Assembly by the last sitting day in June 2016 how ACT public school enrolments are being managed to ensure that parents and carers across Canberra maintain certainty for their children's future schooling needs.

In accordance with the Assembly resolution, I am pleased to table the Canberra public school enrolment projections for 2017 and 2018 for kindergarten to year 12 and excluding specialist schools. For added transparency, I am also including the February 2016 census enrolments and school capacities for 2016. The document also includes a list of useful terms commonly used by the Education Directorate in relation to capacity planning.

I advise the Assembly that the definition of school capacity has been expanded to ensure that all learning and teaching spaces, including curriculum flexibility spaces and special education spaces such as learning support units, have been included.

I have previously stated that the ACT government welcomes the continuing increase in enrolments in public schools. At the February 2016 Canberra public schools census there were a total of 44,831 student enrolments. For the past three calendar years enrolments have increased by 2.5 per cent, 3.8 per cent and a 4.5 per cent increase between August last year and February 2016.

We have no reason to suppose that the enrolment growth rates for Canberra public schools experienced in the past few years will not continue. On the expectation that increased enrolments will continue, I will outline the approaches being taken by the directorate to manage these increasing enrolments.

The directorate forecasts enrolment demand by regularly modelling projections for each school using births, housing growth and housing sales, population, economic and other data as well as by monitoring actual enrolments. The supply of places for students at our schools is managed by the directorate and by schools through a hierarchy of strategies.

School network leaders and principals may develop a school enrolment management plan for a school with: high enrolments, greater than 85 per cent of capacity; low enrolments, with less than 40 per cent of capacity; specialised programs or pathways; or specific entry requirements.

The purpose of the school enrolment management plan is to guide a principal around enrolments of students who reside outside the priority enrolment area or from a shared priority enrolment area. While the school enrolment management plans are established to manage the specific enrolment pressures impacting on an individual school, they are also developed to align with regional strategies in areas experiencing emerging demand pressures, such as in Belconnen and Gungahlin.

I will give some examples of how schools manage their enrolments to manage capacity. Garran Primary School adopted a management plan in 2015, and now does not take any out-of-area enrolments. From 2017 O'Malley will no longer be in the Garran priority enrolment area. Enrolment numbers are now projected to start reducing from 2017. Harrison junior school was nearing capacity—noting especially that it has many students who live in New South Wales. To manage this pressure, Harrison School now does not accept out-of-area enrolments. Also, given that the Harrison School is a P-10 school, excess primary school demand is able to be balanced across the junior and senior school campuses. Kaleen Primary School has reduced the number of preschool sessions from four to three sessions each week, which is projected to flow through to reduced demand for primary school enrolments.

The next level in the hierarchy of strategies is to examine the use of school facilities, including identifying programs and tenancy arrangements that can be relocated to other schools in order to convert those spaces to classrooms. An extension of this approach is to apply curriculum flexibility options. An example is Gungahlin College, which now provides early and late school sessions to make better use of the facilities, and also to provide a service that suits many students and their families.

Each Canberra public school gives priority to the enrolment of children living in its priority enrolment area, so the next option for a school is to adjust the priority enrolment area boundary to reduce enrolment pressure. The directorate consults with the school community prior to making a recommendation to adjust a school's priority enrolment area.

The directorate understands that families may have made significant life decisions around property purchases on the basis of existing boundaries. As a consequence, priority enrolment area changes can take up to two years before enrolments are affected.

Priority enrolment area reviews are frequently commenced in conjunction with other strategies. By way of example, the priority enrolment area for Garran Primary School will be adjusted for 2017, with the suburb of O'Malley being removed from Garran's enrolment area and placed within the enrolment area for Mawson Primary School. The directorate's enrolment projections indicate that, based on this change and other influences, Garran can expect a softening of demand from 2018.

The final elements of the hierarchy of measures are for temporary or permanent increases in the capacity of a school. These options all require some level of capital expenditure and can include minor works such as removing walls, temporary buildings including transportable or modular buildings, permanent capacity increase, changing the structure of the school, and finally the construction of a new school.

I will give some examples. Gold Creek junior school has completed some internal works which have created additional space. Giralang Primary School is also using areas within the school as break-out spaces for small group teaching. Harrison School will be installing additional modular, relocatable buildings in the next year.

Parents and carers in the ACT should be assured that the ACT government is managing the projections of student enrolments in Canberra public schools to ensure that there will be a place for them should they choose it. The release of the enrolment projections for the 2017 and 2018 school years and 2016 school capacities shows that the government uses data to plan for increases or decreases in school populations as these occur. As members will be aware, the school census data and information about priority enrolment areas are published on the Education Directorate website.

Through its long-term planning processes and the application of strategies to proactively manage enrolment pressures, the Education Directorate is recognised for the high-quality, well-resourced and safe learning environments it provides to satisfy the current and future needs of the Canberra community.

I am pleased to be able to table these projections today and provide parents and carers across Canberra with more information. I hope that this gives greater certainty to parents that the government is planning for their children's future schooling needs. I move:

> That the Assembly take note of the paper.

MR DOSZPOT (Molonglo) (4.07): I thank Minister Rattenbury for presenting the information. I have not seen any pre-information on this, only what he has told us about in the chamber today. In my original motion I called for the figures for the years 2017, 2018 and 2019 to be presented. If I recall correctly, Mr Rattenbury agreed to present the figures for 2017 and 2018. Having said that, I thank him for presenting these figures.

I am somewhat confused as to why Mr Rattenbury required the last two months to get this information together. With respect to the projections for school capacity—and I know that the directorate looks two to three years ahead—I do not know why this information was not ready and able to be given to me within a couple of days after the conclusion of our motion.

I accepted Mr Rattenbury's offer because I felt that at least it was one step in the right direction, but I note that I find it very strange that the information regarding school capacity—which, as I understand it, is normally made up to two to three years in advance—was not presented within a few days.

As I say, I have not had an opportunity to examine the report that Minister Rattenbury has presented. I look forward to looking at it in detail so that I can assess what he has spoken about here today.

With respect to the issues regarding Garran and other schools where the capacity is now at critical levels, I have not heard anything this afternoon that would make me feel comfortable that either the minister or the directorate is fully in control of the situation. I keep hearing about moving walls and other ways of addressing the issue, and also making sure that people from out of the area cannot come to the school anymore. My information from parents has been that a lot of people have moved into the area; they are already living in the area, so I cannot see how the department could keep them out of the schools that they are entitled to send their children to.

Unless I missed something in Mr Rattenbury's report, I have not heard what is going to be done to address the Garran shortcoming in particular. Currently, the school has to utilise the teachers' common room, the library and the school hall to be able to hold classes that need specialised attention. For example, some of the music classes need somewhere to practice. At the moment all of these are very critical issues that the school is trying to contend with, and it is having an impact on the education of the children at Garran in particular. There are other schools with similar issues.

I very much look forward to examining the report that Mr Rattenbury has given to me. I would very much like to hear from him as to why the information on school capacity projections for all of the years that I have asked for cannot be given. As I say, I did accept his offer, and I thank him for making available whatever information he has made available to us now. But I cannot understand why school projections for the next three years could not have been given to me. As I understand it, even now they are a little bit short of the target that we agreed to. I do thank him for presenting the information that he has presented.

Question resolved in the affirmative.

Auditor-General's report No 2 of 2016—government response
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:

> Auditor-General Act, pursuant to section 21—Auditor-General's Report No. 2/2016—Maintenance of Public Housing—Government response.

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

Leave granted.

MS BERRY: Today I table the ACT government response to the Auditor-General's report into the Auditor-General's maintenance of public housing report No 2 of 2016. The ACT Auditor-General conducted an audit of the management of public housing maintenance activities as part of its approved 2015-16 audit program. The audit provides an independent opinion of the effectiveness of the Housing and Community Services management of the total facilities management contract with Spotless Facilities Services Pty Ltd for their delivery of public housing maintenance activities.

It is important to state at the outset that the ACT government is committed to providing the best possible accommodation and support to the 23,000 tenants and residents who live in over 11,500 public and community housing properties. This is why we welcome this audit and its suggestions.

Spotless was first awarded the total facilities management contract for housing in 2005, and subsequently awarded a second contract in 2012, on both occasions through open procurement process. In 2014-15 the public housing maintenance budget was $41.25 million and the management fee paid to Spotless was $6.94 million.

Over the five-year term of the current contract, total payments to Spotless are expected to reach $242 million, making it one of the government's largest ongoing contracts. The audit focus was on timeliness, cost, and quality of planned and responsive maintenance carried out by Spotless and the effectiveness of governance and contract management arrangements that Housing and Community Services has in place.

The audit found that Housing and Community Services has positioned itself well to effectively manage the contract, particularly through the establishment of a sound governance framework and comprehensive performance management system. The audit also noted that the establishment of the committees to deal with both day-to-day administration and high-level oversight were in place, and that a contract management plan was current, providing guidance to staff in the management of the contract.

The audit confirmed that Housing and Community Services had established sound cost and price control arrangements and implemented processes for effectively managing payment to subcontractors. However, the audit did find that management of the contract was not fully effective, and the Auditor-General made 18 recommendations to further improve the management of the contract. The government has accepted all 18 recommendations and is well advanced in implementing actions to address these recommendations.

I look forward to the opportunity to build successfully on the program, to improve quality assurance on contract risk management, IT connectivity between relevant business systems, management of compliance requirements and arrangements for managing contract variations.

I remain strongly committed to ensuring that the government continues to provide the best possible accommodation and support to the 23,000 tenants who reside in approximately 11,500 social housing properties. As the current TFM contract reaches its end, the government will include this report in our considerations for delivering the best possible services and value for money under this contract into the future.

Chief Health Officer's report 2016
Paper and statement by minister

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health): For the information of members, I present the following paper (4.16):

> Public Health Act, pursuant to subsection 10(3)—ACT Chief Health Officer's Report 2016—Healthy Canberra.

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

Leave granted.

MS FITZHARRIS: I am very pleased to table this afternoon in the Assembly the 2016 Chief Health Officer's report *Healthy Canberra*. I would also like to acknowledge the presence in the gallery of the Chief Health Officer himself, Dr Paul Kelly, who between him and all his staff have worked extremely hard to deliver this report to the people of Canberra today.

This year marks the 20th anniversary of the Chief Health Officer's report, a report published every two years to provide information about the health of the ACT population. The 2016 report covers the period 1 July 2012 to 30 June 2014 and has been prepared as required under section 10 of the Public Health Act 1997 through a rigorous process of reviewing health and other data sets, including mortality and morbidity data.

The report is called *Healthy Canberra*, and it focuses on priority health issues that cause the greatest burden of disease, are preventable, and are fundamental to good health in our community. There are four themed chapters: healthy city, healthy weight, healthy lifestyle and healthy people, representing the influence of our environment and lifestyle on our health.

We have a healthy city. With one of the cleanest, safest environments in the world, it can be easy to take for granted the positive impact of our environment on our health. Air quality in Canberra is generally excellent, and there were only 12 days during 2012 to 2014 when wood smoke meant that the ACT exceeded the national environment protection measure advisory standard.

We have a world-class system for measuring and reporting air quality, with the launching of ACT Health's air quality index website, which reports Canberra's air quality in real time. In the ACT, we are fortunate to enjoy high-quality water and health protection systems, such as regular recreational water monitoring, to prevent waterborne disease.

We also now have increased access to high-quality drinking water, with the ACT government water on tap initiative improving the availability of free drinking water in public places. There are currently 30 fixed water units installed at various sporting fields and public spaces across the ACT.

Food safety is also a focus of this report, with 72 per cent of our 3,000 food businesses compliant with regulations at initial inspection. There is room for improvement, however, and the report shows that there were 13 outbreaks of likely food-borne illnesses that affected 394 people. The increasingly complex nature of the origins of our food, food supply and processing, as well as food preparation and storage, requires continued efforts to protect us from food-borne illness.

We all know the benefits of a healthy lifestyle, but we still face challenges around healthy weight. Maintaining a healthy weight, healthy eating habits and an active lifestyle are three essential areas most likely to reduce our risk of chronic disease and early death, and reduce the increase in costs to our health system.

These are all areas requiring improvement for us here in the ACT. That is why the ACT government has a range of goals around healthy weight and active lifestyles through the towards zero growth healthy weight action plan. For example, we are working towards zero growth in levels of overweight and obesity, doubling the number of vegetables that adults and children in Canberra eat every day, increasing the proportion of adults and children meeting the recommended amount of physical activity by 15 per cent by 2018.

This whole-of-government plan takes a population health approach and involves sectors as diverse as urban planning, transport, building design, school and work-based policies, and challenges the promotion and availability of energy-dense, nutrient-poor foods and drinks.

Some ACT government initiatives so far include healthier food and drink options in schools and work places, our partnership with the Canberra Business Chamber, called "Choose healthier", the water on tap initiative I mentioned earlier and the delivery of physical education programs in schools.

I was pleased to announce more recently the expansion of the active streets for schools program, which is designed to create an environment around schools that is safer and easier for kids to walk or ride to school. This will involve improving cycling paths and footpaths and give parents peace of mind that their kids will be safe on the way to school. You do not have to walk the whole way or do it every day, but every little bit helps. We also made additional investment in Tuesday's budget to expand successful programs such as working with businesses to improve the promotion of healthy food and drink options.

The ACT government will also continue to invest in our healthy weight initiative and already our investment in the health of Canberrans is showing results. There is good news reflecting our prevention efforts in recent years: the rates of obesity and overweight in children are stable; children are drinking far less sugar-sweetened drinks and eating more fruit; and more adults are using active travel as their usual mode of travel to work. When it comes to healthy lifestyles, the report suggests positive gains with some room for improvement and the need to stay vigilant to maintain the gains we have already made.

Alcohol-related harm is an increasing health concern for both our longer-term health and as a cause of injuries, assaults and presentations to our emergency departments. We have made excellent gains on smoking rates overall, yet smoking remains a leading preventable cause of death in particular groups in our community. Young pregnant women and members of the Aboriginal and Torres Strait Islander community are smoking at relatively high rates.

Smoking in pregnancy is an important preventable cause of a wide range of adverse pregnancy outcomes, such as premature birth, perinatal mortality and low birth weight. Low birth weight is an important determinant of a baby's chance of survival and long-term good health.

That is why ACT Health has recently commenced the smoking in pregnancy project which aims to prevent smoking uptake amongst young women in the ACT, reduce smoking rates during pregnancy amongst young women and reduce smoking rates during pregnancy for all Aboriginal and Torres Strait Islander women. It also supports partners and families to quit.

E-cigarettes have also emerged as an issue of health concern during this reporting period and bring the risk of renormalising smoking, particularly for young people. The report shows that 12 per cent of secondary students have used an e-cigarette. We have responded quickly to this emerging health issue, and in April this year the ACT government and the Legislative Assembly passed the Smoke-Free Legislation Amendment Bill to restrict the sale, promotion and use of personal vaporisers, commonly known as e-cigarettes. This new legislation sees the ACT become a leading Australian jurisdiction in protecting public health from potential harms of e-cigarettes.

ACT Health has also updated its smoke-free environment policy so that all ACT health facilities and grounds are now smoke free. Calvary hospital, Calvary John James hospital and National Capital Private Hospital also adopted smoke-free policies. Smoke-free policies also apply at various outdoor places, such as the Australian National University, Manuka Oval and GIO Stadium.

The risk of becoming infected with a blood-borne disease remains for particular population groups in the ACT. Hepatitis C continued to disproportionately affect vulnerable people, including the prison population, injecting drug users and Aboriginal and Torres Strait Islander peoples. Our *Healthy Canberra* report also shows a recent rise in new cases of HIV, mainly in men.

ACT Health is helping the community to stay informed about the importance of testing for HIV and other blood-borne viruses and sexually transmissible infections with ACT testing month held each November since 2014. ACT testing month has proved popular with almost 300 per cent more people tested in 2015 compared to 2014. This week's budget also made investments to improve access to sexual health services and blood-borne virus vaccination testing and treatment for vulnerable communities.

Finally, in terms of the health of our people, while we are living longer, Canberrans are more likely to be diagnosed with a mental health issue than their national counterparts. To help address this, in March the ACT government brought into effect the new Mental Health Act 2015. This act gives those in the ACT living with a mental illness greater opportunity to contribute to decisions on their treatment, care and support and creates a legal environment geared towards recovery in accordance with the principle of the least restrictive care alternative.

The Mental Health Act 2015 supports a closer working relationship between people who have a mental illness or disorder, their families and carers and the clinicians and those who deliver their care and treatment. For many who have an ongoing mental illness or disorder that involves repeated episodes of illness, there is likely to be a desire for their illness to be kept in confidence. This right must be respected. However, the act also emphasises the important roles of carers. Again, this week's budget delivered a significant boost to mental health funding in the ACT.

We also have a growing number of adults in the ACT with chronic diseases. Cancer and cardiovascular disease are the leading causes of death and about 4,100 people in the ACT have dementia. Multiple risk factors often play a role. For example, the risk factors for many chronic conditions, including mental health disorders, are overlapping and include low levels of physical activity, an unhealthy diet and smoking and alcohol consumption. Reducing these common and overlapping risk factors will be an effective means to improve our health outcomes and reduce the burden on our health system.

A more coordinated and holistic approach to effectively manage chronic disease, from prevention and early intervention through symptom control to end-of-life care, is important. That is what our government is focused on. An example of such an approach is the ACT Health's chronic care program which provides case coordination for people with multiple chronic conditions to allow for information sharing and seamless care planning between specialist services with the individuals centrally involved in decision-making.

In conclusion, I have described some of the key findings in this year's Chief Health Officer's report *Healthy Canberra*, including examples of the ACT government's initiatives to address our population-based health issues. But the preventative path to a healthier Canberra is not a solitary road; it must be shared amongst the health sector, industry, communities and individual Canberrans as well as the ACT government. *Healthy Canberra* tells us the status of our health now, creating momentum for change and showing us a positive path into a healthier future.

To coincide with the release of the report, ACT Health will also launch a new health stats ACT website, which will be regularly updated and made available to the public. It will also include a series of focus-on-health topic summaries. I commend the 2016 Chief Health Officer's report to the Assembly.

Papers

Mr Gentleman presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Civil Law (Wrongs) Act—Civil Law (Wrongs) Queensland Law Society Professional Standards Scheme 2016—Disallowable Instrument DI2016-54 (LR, 19 May 2016).

Crimes (Sentence Administration) Act—

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-49 (LR, 13 May 2016).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2016 (No. 2)—Disallowable Instrument DI2016-50 (LR, 13 May 2016).

Firearms Act—Firearms (Use of Noise Suppression Devices) Declaration 2016 (No. 1)—Disallowable Instrument DI2016-52 (LR, 13 May 2016).

Gaming Machine Act—Gaming Machine (Ballots) Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-11 (LR, 12 May 2016).

Health Act—Health (Protected Area) Declaration 2016 (No. 2)—Disallowable Instrument DI2016-58 (LR, 18 May 2016).

Justices of the Peace Act—Justices of the Peace (Role) Guideline 2016—Disallowable Instrument DI2016-53 (LR, 19 May 2016).

Legal Aid Act—

Legal Aid (Commissioner—Financial Management) Appointment 2016—Disallowable Instrument DI2016-56 (LR, 19 May 2016).

Legal Aid (Commissioner—Specialist Assistance) Appointment 2016—Disallowable Instrument DI2016-55 (LR, 19 May 2016).

Long Service Leave (Portable Schemes) Act 2009 and Financial Management Act—Long Service Leave (Portable Schemes) Governing Board Appointment 2016 (No. 1)—Disallowable Instrument DI2016-59 (LR, 23 May 2016).

Official Visitor Act—Official Visitor (Children and Young People) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-62 (LR, 30 May 2016).

Planning and Development Act—Planning and Development (Albert Hall) Land Management Plan 2016—Disallowable Instrument DI2016-78 (LR, 8 June 2016).

Prohibited Weapons Act—Prohibited Weapons (Noise Suppression Devices) Declaration 2016 (No. 1)—Disallowable Instrument DI2016-51 (LR, 13 May 2016).

Public Place Names Act—Public Place Names (Gungahlin) Amendment Determination 2016 (No. 1)—Disallowable Instrument DI2016-61 (LR, 26 May 2016).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No. 5)—Disallowable Instrument DI2016-57 (LR, 19 May 2016).

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No. 6)—Disallowable Instrument DI2016-60 (LR, 24 May 2016).

Road Transport (General) Concession Determination 2016 (No. 1)—Disallowable Instrument DI2016-47 (LR, 17 May 2016).

Road Transport (General) Driver Licence and Related Fees Determination 2016 (No. 1)—Disallowable Instrument DI2016-43 (LR, 17 May 2016).

Road Transport (General) Fees for Publications Determination 2016 (No. 1)—Disallowable Instrument DI2016-46 (LR, 17 May 2016).

Road Transport (General) Numberplate Fees Determination 2016 (No. 1)—Disallowable Instrument DI2016-44 (LR, 17 May 2016).

Road Transport (General) Refund and Dishonoured Payments Fees Determination 2016 (No. 1)—Disallowable Instrument DI2016-45 (LR, 17 May 2016).

Road Transport (General) Vehicle Registration and Related Fees Determination 2016 (No. 1)—Disallowable Instrument DI2016-42 (LR, 17 May 2016).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) (Transitional Provisions) Regulation 2016—Subordinate Law SL2016-12 (LR, 19 May 2016).

Victims of Crime (Financial Assistance) Act—Victims of Crime (Financial Assistance) Regulation 2016 No. 1)—Subordinate Law SL2016-10 (LR, 12 May 2016).

Planning—Red Hill
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): Madam Assistant Speaker, I ask leave of the Assembly to make a very brief statement to provide an update on the technical amendment for Red Hill that was discussed in petitions this morning.

Leave granted.

MR GENTLEMAN: Madam Assistant Speaker, you will recall that the government tabled a variation to the territory plan in March 2016, and the changes allowed for the current public housing located near the Red Hill shops to be redeveloped. This is an important planning change for the area and will provide further residential housing for inner south residents close to employment, shops and the city centre.

Following tabling, the Planning Authority committed to clarifying a number of aspects of the proposal following community feedback on the changes. The government is progressing this work through a technical amendment to the territory plan. I am able to report to members that this technical amendment will be released for community consultation tomorrow, Friday, 10 June.

The technical amendment does not propose any change to the maximum number of storeys allowed in the Cygnet Street precinct but will give greater certainty to the community in relation to building heights and the built form. The amendment clarifies that a maximum height of 21.5 metres applies to building, and I reiterate that the maximum height in storeys permitted remains at two, three or four storeys above the basement level.

Given the slope of some of the parts of the site, it is possible that a basement may be underground at one end and above ground at the other. It is not our intention that such an above-ground section would be counted as one of the habitable storeys. Through the technical amendment the basement becomes a storey once it is more than one metre above the ground. But if that is a continuation of a basement and is being used for vehicle parking, an additional storey is permitted on that part of the site.

To ensure that the habitable development areas remain at the intended two, three or four storeys, habitable areas cannot be included in the basement area, even if it is partly above the ground. An information sheet will be available for the community to provide further information and clarification on the modifications to the variation, and the community will be able to provide their feedback on the amendments via www.planning.act.gov.au from tomorrow. I encourage interested residents to provide their comments.

I would like to reinforce that these changes are vital to the government's commitment to urban renewal, providing housing choice for Canberrans in locations across the territory. The changes also go to the heart of the public housing renewal program, which will allow the government to continue to provide modern and appropriate public housing for tenants.

I wish to acknowledge Mr Rattenbury's role in developing this technical amendment. I was pleased to work collaboratively with him to get the best outcomes for the community and the government.

Public Accounts—Standing Committee
Report 28

MR SMYTH (Brindabella) (4.30): I present the following report:

> Public Accounts—Standing Committee—Report 28—*Review of Auditor-General's Report No. 2 of 2016: Maintenance of Public Housing,* dated 31 May 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

MR SMYTH: It is with some irony that I note that the minister has just delivered the government's response to report No 2 on the maintenance of public housing. But as I explained to members earlier this morning, with both this report and the report on Calvary, the usual time frames, which are the now standard four months, would have meant we would have received in normal circumstances the government's response in August. This prompted the committee to go ahead and conduct an inquiry. We have spoken with the Auditor-General, who briefed us on the contents of the report, and the committee felt it was important that we get something in to the Assembly as quickly as we could in an expectation that, had the government's response arrived when it was due—having taken the full time frame—we would not have had time in the cycle to conduct a further or fuller inquiry. I thank the minister for getting the government's response more quickly, but we actually beat you to the Assembly, I guess, in this case.

As I said, the committee received the report. We have had a briefing from the Auditor-General on this report, which was presented to the Assembly on 14 April 2016. In our consideration of it we thought there were a number of important issues we wanted to get onto the record before the end of this Assembly. This is why we are presenting the report today.

Recommendation No 1 is now superfluous. We recommend that the government table its response on the first sitting day in August 2016, but thank you minister for getting it here somewhat earlier. It will be interesting to read to see how much the response and the committee's report match up.

Recommendation No 2—again this is because of the timing and the lateness in the term—is that by the last sitting day in August 2017 the then ACT government report on the progress of the implementation of the recommendations in report No 2. As the minister has said, the government has accepted all of the recommendations, so what we would like to see in August next year is a summary of actions to date, completed or in progress, and the proposed actions including the timetable for implementing recommendations and where recommendations have not been commenced.

Recommendation 3 is very important. Again, I have not had time to cross-reference it, but the committee recommends that the ACT government detail in its response how it

will ensure quality and timeliness of work orders. There was some reporting in the report from the Auditor-General on the progress on how work orders were put in place and how they were fulfilled. It is important if you are living in a house that if the hot water heating goes or some light breaks or a window is broken, particularly in the middle of winter, timely action is taken.

Recommendation 4 looks at who does what. The Auditor-General said it had to work out who had primary responsibility within the departments for overseeing the total facilities management contract, which is Spotless, and that their quarterly performance evaluations required under the TFM contract are routinely provided. It would seem there is doubt on that.

Recommendation 5 is that the government implement a regular and timely reporting system in which Spotless reports to the Community Services Directorate's designated entity about the work orders and other relevant indicators. That should include things like more information on how the results are measured and clear, informative explanations for material variances from the planned target.

Recommendation 6 is that the government should review the policies and procedures for the contractor's—in this case Spotless—use of keys for ACT Housing properties, including the processes surrounding the total facilities management contractor giving keys to individuals or organisations.

Recommendation 7 says there needs to be clarity on which area within Community Service Directorate has primary responsibility for overseeing the reviews undertaken by Spotless work supervisors for checking that work orders have been completed. Again, a major theme in the Auditor-General's report was about who was doing what, particularly inside the department.

Recommendation 8 is that the government ensure that any variations to contracts it enters into on behalf of the territory are effectively managed and adequately and contemporaneously documented. It is important where contracts are varied that it is clear as to who is doing what and what they are getting paid for. It is important that the government make sure it does that and that it is documented.

Recommendation 9 suggests that the government come back to the Assembly by the last sitting day in August next year on the five-year outcomes of the 2012-17 total facilities management contract as they relate to contract management performance—we will call that outputs and outcomes. It is important that the Assembly knows what is happening with the 10,000-odd publicly owned properties in the ACT and whether they are being maintained properly, particularly as we go about renewing contracts.

Recommendation 10, which links to recommendation 9, is that in advance of the expiry of the current contract in 2017 the government undertake a comprehensive evaluation of the total facilities management contract for the delivery of maintenance for public housing in the territory. The committee would like to see in that evaluation how the overall performance of the contract—in terms of both operation and outcomes—is achieved, and the acquiring entity's management of the contract and then report to the Assembly on the findings.

Recommendation 11—again, this goes back to the clarity of roles—is that the ACT government provide clearer demarcation of the roles of Housing ACT and the Community Services Directorate in managing the total facilities management contract.

Recommendation 12, not only is Spotless the total facilities management contractor, but it is also one of the providers of the maintenance as well as other subcontractors. This recommendation is to ensure there is clarity in how this is done—not suggesting anything untoward, but whether the easy jobs are given to somebody and the harder jobs are given to somebody else. The recommendation is that the government review the policies and procedures of the contractor—in this case Spotless—of their allocation of work to subcontractors or itself, including the criteria for the allocation of work and how this meets its obligations to the government. We want to make sure it is all working very well to the benefit of all. The government needs to get a good return for the taxpayers' money it spends; Spotless clearly needs to make a living out of this, and the subcontractors also need to make a living out of it. But those who live in the houses need to have certainty that they are getting good quality repairs done when they are required.

Recommendation 13 looks at the oversight role. A joint consultative committee looks at the total facilities management contract, and we are recommending that it be extended to include consideration of all the final reports of targeted audits as opposed to those designated as high risk only. We think it is appropriate to get a view across the entire spectrum of the work being done through the audits that are conducted. It is not just the high-risk ones that need to be done—I think everyone will have an interest in anything that is high risk—we have to get the day to day done as well.

In recommendation 14 the committee recommends the government table by the first sitting day in 2016 the follow-up review of the Spotless call centre which was expected to be finalised in early 2010—we do not believe it has been made public—together with details on the progress with regard to the implementation of identified recommendations. Following an Auditor-General's report, I believe in 2008, on housing management there was a promise to review the call centre. It apparently was done, but as a committee we do not seem to have seen it. We would like to see what happened with that as well as how the implementation of the recommendations has gone.

Recommendation 15 suggests that, if possible, the ACT Ombudsman give consideration to detailing in future annual reports a breakdown of complaints concerning public housing issues as received by the Ombudsman's office for that period. Often they are just lumped into one lump, which makes it difficult to work out what they exactly are and whether they are in a specific area.

The final recommendation, recommendation 16, is for the development and implementation of a centralised, comprehensive asset register of all ACT public housing assets. If you are going to manage it, you need to know what you have got, where it is and what condition it is in. Without the centralised register, the committee would suggest that it would be a much more difficult job to do than if you had the register in place.

I thank the members for their efforts in this regard. I point out to members on page (i) that Ms Burch, in her former role as a member of the executive, was responsible for the housing portfolio. As the small explanation says, for the period spanning presentation of the audit report and the committee's consideration of the audit report, Ms Burch was not a member of the executive. We take conflict of interest very seriously in the committee. I commend Ms Burch for her diligence in suggesting areas where she could be involved and where she could not be involved across a number of reports and issues that we have had before us.

I thank Ms Burch, Ms Lawder and Mr Hinder for their efforts and, as always, Dr Cullen for her assistance in putting together the report. With that, I commend the report to the Assembly.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Statement by chair

MR SMYTH (Brindabella): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to the committee's recent attendance at and participation in the 2016 Australasian Council of Public Accounts Committees, ACPAC, mid-term meeting.

The 2016 ACPAC mid-term meeting was hosted by the Northern Territory Legislative Assembly's Public Accounts Committee in Alice Springs from 27 to 28 April this year. Twenty-five ACPAC delegates attended the meeting, including chairpersons, members and staff of Australasian public accounts committees. Mr Jayson Hinder MLA represented the committee at the meeting.

ACPAC was formed in 1989 and facilitates the exchange of information and opinion relating to public accounts committees and discusses matters of mutual concern. ACPAC meets every two years in conference, with a mid-term meeting to discuss and agree on an agenda for the forthcoming conference and to discuss issues specifically pertaining to Australasian committees.

A key focus of the 2016 meeting was progress regarding the establishment of a commonwealth association of public accounts committees, CAPAC. The meeting was informed of key developments within CAPAC in the period since the fifth Westminster workshop held in Malta in June 2015. This included: (i) approval from the Commonwealth Parliamentary Association's international committee at the 61st Commonwealth Parliamentary Conference in October 2015; and (ii) final agreement on the establishment of CAPAC at the Commonwealth Heads of Government Meeting, CHOGM, in Malta on 27-29 November 2015. Both bodies have subsequently provided their endorsement. In paragraph 9 of the 2015 CHOGM Communique, CHOGM heads noted:

> … the establishment of the Commonwealth Association of Public Accounts Committees as a network for strengthening public financial management and accountability, these being vital in maintaining the trust of citizens and the integrity of governments and legislatures.

A range of other issues pertaining to Australasian public accounts committees was also discussed. These included (i) the role of public accounts committees in ex-post scrutiny of public works projects; (ii) external reviews of audit offices, with an update on contemporary legislation, this item being led by the ACT Standing Committee on Public Accounts; (iii) ACPAC's representation on the Australian Accounting Standards Board; (iv) updating of financial accountability legislation as it relates to reviews of audit, financial management and public accounts committees statutory frameworks; (v) reporting service information, the Australian Accounting Standards Board's exposure draft ED 270, the objective of the proposed standard being to establish principles and requirements for not-for-profit entities to report service performance information that is useful for accountability and decision-making purposes, and the standard being expected to apply to not-for-profit entities in the private and public sectors that prepare general purpose financial statements; and (vi) highlights from jurisdiction reports—innovations, opportunities and emerging issues.

The Northern Territory Auditor-General, Ms Julie Crisp, presented to the meeting on the AASB's exposure draft, reporting service information. The Northern Territory's deputy administrator, Mrs Patricia Miller AO, shared with delegates her personal reflections as an Indigenous leader in the territory. Mrs Miller was appointed as deputy administrator of the Northern Territory in 2002. She is the first female Indigenous Australian to hold such a position, and as a member of the Arrernte people she is also the first Northern Territory native title holder to hold such a position.

As an adjunct to the meeting, the evening before the official opening, delegates were privileged to be invited to attend an exhibition of artwork from prisoners at the Alice Springs Correctional Centre. The exhibition formed part of an active art program at the correctional centre, in conjunction with *Art Escape* at the Art Shed in Alice Springs, which enables inmates to develop art and business skills. All proceeds from the sale of artworks go to victims of crime and support prison programs. In addition to paintings, sculptures and woodwork, the exhibition featured traditional carvings from mulga trees, which are central to an Indigenous peer mentoring program within the correctional centre that is focused on encouraging older men to pass on knowledge to their younger peers. As to the effectiveness of the art program, delegates were told that it was therapeutic for the inmates involved and that the correctional centre was seeing an improvement in behaviour and better prospects for rehabilitation.

The committee sincerely thanks the Northern Territory Legislative Assembly's Public Accounts Committee and its secretariat for its warm welcome and efforts in hosting and arranging the 2016 ACPAC mid-term meeting.

Public Accounts—Standing Committee
Statement by chair

MR SMYTH (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to reportable contracts under section 39 of the Government Procurement Act 2001.

The Government Procurement Act 2001 requires agencies to provide the public accounts committee with a list of reportable contracts every 12 months. Reportable contracts are defined, with some exceptions, as procurement contracts equal to or over $25,000 that contain confidential text. Agencies provide the committee with the names of the contracting parties, the value of the contract and the nature of the contract.

The committee acknowledges that the information the directors-general and their equivalents provide in relation to reportable contracts is readily available in the public domain on the ACT government contracts register; however, its scrutiny is assisted by receiving a consolidated report every 12 months. The committee has been provided with a consolidated list of reportable contracts for the 12-monthly period from 1 April 2015 to 31 March 2016.

As per its previous practice, the committee believes that there is value in tabling the consolidated list of reportable contracts for the period specified as a transparency mechanism to promote accountability. I therefore seek leave to table a list of reportable contracts for the period 1 April 2015 to 31 March 2016 as received by the public accounts committee.

Leave granted.

MR SMYTH: I present the following paper:

> Reportable contracts—Agencies reporting reportable contracts for the period 1 April 2015 to 31 March 2016.

Leave of absence

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

> That leave of absence be granted for all Members for the period 10 June to 1 August 2016.

Mental Health (Secure Facilities) Bill 2016

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

> That this bill be agreed to in principle.

MRS JONES (Molonglo) (4.49): I am pleased to speak to this Mental Health (Secure Facilities) Bill 2016 and I thank those who have been involved in bringing the bill to fruition. I know that an enormous amount of work goes into these things.

Firstly, I am pleased that here in the ACT we will have a facility which will provide mental health care for those in our community who most need it at the most severe end of the spectrum. I am still awaiting a briefing on how the details of the facility will work, particularly how the measures in this bill will be nutted out and how they will be implemented on the ground, and I look forward to further briefings on this.

I realise the bill provides an overarching framework for how the facility will be managed and that the director-general will be allowed to issue subordinate instruments, referred to as directions, to deal with the detail as well as changes that need to be made quickly. I note that the directions will cover issues such as visitor protocols and contraband and allowing the director-general to amend quickly the directions as needed.

One concern I have regarding such directions being made and issued quickly is whether this could be problematic. It is possible for directions to be made that, for example, disempower visitors to the facility. Could this have a negative impact on the patients or the visitor, given the visitors play an important role in the stability and wellbeing of those who will be in the facilities?

Carers may also be visitors. We know that carers are often the people who have carried the heavy load of supporting a loved one who has suffered a mental illness and we know that a carer is almost twice as likely to experience depression. So it is important that we are mindful of the mental health of carers or former carers and family members who will visit these facilities.

I am aware that the Mental Health (Secure Facilities) Bill 2016 will provide the structure to facilitate the management and the opening of the secure mental health facility. However, I note that it does read quite a lot like the Corrections Management Act, with sections on monitoring mail, scanning, frisking, strip-searching patients, dealing with a patient who may have concealed a weapon. It also includes the power to seize property, property searches and managing the use of force with patients.

We know that the vast bulk of those in this facility will be moved into the facility from the Alexander Maconochie Centre and that such clients will already be familiar with a corrections facility conducted in the sense of a jail. However, it is possible that there will also be, from time to time, patients who are not convicted of any offence—perhaps on community mental health orders—who have never had exposure to a jail and have never had any interactions with corrections. Yet, under this act, within this facility how these vulnerable clients will be treated remains to be exactly understood, with treatment more usual as such in a corrections facility rather than the more normal treatment that people may expect, given that it is a health facility.

I am assured that there will not often be a mix of corrections patients alongside patients from the non-convicted population. However, how will expectations, fears and dangers be managed? I am told such detail is still under development. I still have some very real concerns about the blending of men and women in this facility. We know there are, from time to time, issues with that matter in the adult mental health unit. How will the safety of each individual as well as staff be managed?

There have certainly been problems in the adult mental health service with various dynamics between individuals and others. We know, certainly if we look at the prisoner population in the AMC, there have also been various dynamics among individuals, partners, ex-partners, relatives, people they have known outside in the community. Given that this facility has been designed to be rather open plan, I have

some concerns about how some of those dynamics will be managed. I have questions around what the scope is to isolate patients who may have conflict issues with other patients and I look forward to receiving a basic explanation of how this will be done when required.

The facility is a completely new model of care for us here in the ACT, a model that we have not embarked on before, and naturally there are some serious concerns about how the facility will be run practically on a day-to-day basis.

I have spoken previously in this place about the safety of nurses in the adult mental health unit and have also spoken about the staffing numbers and importance of keeping staff safe in the adult mental health unit. Echoing this, I do have some concerns around nurses and other medical and support staff within the new secure mental health facility and how they will be kept completely safe as much as possible from assault or abuse.

Given the challenges in recruiting and maintaining specialised staff at the adult mental health unit, I also have concerns regarding this staffing for the secure mental health facility and I have seen nothing from the government that truly allays my concerns.

The Canberra Liberals will be supporting the Mental Health (Secure Facilities) Bill 2016 and we are supportive of the facility. We look forward to it opening. However, we continue to ask many questions and we need to understand how this complex task is being managed. If the staffing or security in the facility is not fully developed in time I hope we will not see a ribbon cutting just for the sake of an election campaign.

Let us get this right. Those in our care deserve a facility that serves them well. I will be seeking regular briefings to ensure that everyone in the facility is properly cared for. I state again that the Canberra Liberals will support the bill in this place today.

MR RATTENBURY (Molonglo) (4.56): The ACT Greens welcome today's debate and I will be supporting the bill before us as it represents the next and near-final step to the ACT having a fully functional and operational secure mental health facility. As most members here today would be aware, the Assembly has been discussing the need for such a facility for some time. It has been described variously by the courts, the mental health advocacy groups and others as the missing link or the final piece of the puzzle—both expressions that I would agree with.

I joined my former colleague in the last Assembly, Amanda Bresnan, in advocating for the construction of a secure mental health facility and I can now say, with my ministerial responsibilities for corrections, that I am even more supportive, if that is indeed possible.

The current landscape of mental health services is as diverse as our community and offers a wide range of personal, medical and physical interventions. However, a truly secure facility outside of the jail is sorely needed. This facility needs to be capable of therapeutically supporting patients who may have criminal behaviours yet are found not guilty by way of impairment, or others who require a more secure and long-term mental health treatment environment and who have for some time been disadvantaged in the ACT.

Madam Speaker, I turn to the specifics of the bill itself. I would like to acknowledge the work of the health minister and the Health Directorate in developing what reads as a very comprehensive, procedurally strong and solid piece of legislation. In fact, it reads very much like an extended practice direction, similar to those issued by the courts. This level of detail being tabled, debated and publicised via the Assembly is welcome and highlights a focus on transparency in the anticipated operations of a new and unique service on the mental health map.

It seems to strike the right balance in as much as it still allows for a rapid and flexible change through the use of subordinate instruments, referred to as directions. This model is similar also in operation to the management of the Alexander Maconochie Centre, the most comparable complex facility and one that has served us well in that space.

I will not speak to this nearly exhaustive list of clauses and sections, as in many ways this is simple legislation being used to inform the daily operations of a highly complex and challenging environment. I agree with the accompanying explanatory statement that necessarily the bill is required to consistently balance two competing demands: one, the need to ensure that secure mental health facilities are safe for all people within them; two, any restrictions that are in place are necessary, proportionate and do not unduly restrict the rights of people.

In conclusion, it will be the actual staff and patients' engagement discussed in the bill that will be the real key to this facility's success as a secure therapeutic and rehabilitative space. I am pleased to see that we in government are one step closer to the successful completion of this facility, which is supported in the parliamentary agreement, and I look forward to seeing its progress in coming months.

Madam Speaker, the Greens are pleased to support this bill today and I look forward to hearing the attorney's closing remarks, as I am sure he will go into a little more detail about the specifics of this bill and the impact it will have on the operation of this new facility which, as I have outlined, is very much needed in the mental health landscape here in Canberra to ensure that we have a facility that sits between the adult mental health unit at Canberra Hospital and the corrections facility at the AMC.

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) (5.00), in reply: I would like to thank members for their comments on the bill. This is a very important piece of legislation. It provides the framework for the delivery of a new, purpose-built capacity for mental health services in the ACT. It recognises that there is a particular group of patients who require a higher level of care and security than is currently available through the adult mental health services.

It has been a longstanding discrepancy and gap in service delivery in the ACT that we are unable to accommodate people with forensic mental health needs in a purpose-built facility and, as a result, they have had to be accommodated in the prison, in the general hospital setting or elsewhere. And that has not been a desirable or good outcome.

I am very aware of the sensitivities around these matters. Fundamentally, people with a mental illness face many barriers around stigmatisation and stereotyping and we need in all respects to try to be sensitive to those circumstances and difficulties that people with mental illness face, particularly with more acute and severe levels of mental illness.

But there is also a need to recognise that where people have committed a wrong but are unable to be convicted of that wrong because of their mental illness there is still potential for harm in the future and there is still harm that has been done. Even if there has not been a conviction because of the person's state of mind, there has still been that harm that has to be managed and addressed in the broader interests of the community. That is, of course, the purpose of the new secure mental health unit.

The government have made a significant commitment in the budget to provide for the staffing and operations of that unit, and we are finalising those arrangements as the physical building comes to completion in the coming months.

Yes, many of the elements of this legislation are in some ways at least analogous with provisions for a correctional facility. That is by necessity a requirement recognising that the people who are resident in this facility are there against their will. It is a result of orders made by the tribunal, in many instances following a decision of the court about their fitness to be convicted of a particular offence. It is important, recognising the acute nature of that illness in many instances. And the challenges in managing it are that a higher level of safety and security is required than would exist for lower level acuteness and in a non-forensic setting.

That said, I am grateful for the work that has been done by the Health Directorate and its officials in looking at and drawing upon the experience and the governance frameworks for similar facilities interstate. It is important that we look at those jurisdictions that have had long-held experience in the operation of forensic mental health facilities to establish a model that works best for us. I am confident that we have struck that balance appropriately.

I am particularly grateful for the work that has been done by the Health Directorate and its officials in engaging in the human rights implications of this legislation and working through how those limitations are manifest when it comes to the impact on mental health consumers. Again I believe that we have demonstrated the strength of our human rights framework in testing the legislation through that framework. I thank members overall for their support of the legislation 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.

Mental Health Amendment Bill 2016

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

> That this bill be agreed to in principle.

MRS JONES (Molonglo) (5.05): I rise today to speak to the Mental Health Amendment Bill 2016. This mental health bill was originally implemented last year and I am aware that the primary purpose of the amendments is around tidying up some of the technical issues, with the piece of legislation having been enacted for a little while now. As we have discussed at length here, the original drafting of the Mental Health Bill was a long time in coming, and a great deal of work went into ensuring careful and appropriate care for those managing mental illness in our city.

I will be moving a minor amendment to the bill. The amendment applies to clauses 16, 17 and 20. The crux of it is to continue to implement a time frame regarding reporting of psychiatric treatment, community care orders and reporting on the statement of action if a patient is restrained, whether there has been involuntary seclusion or the need for medication to be given forcibly.

Such reporting is to third-party bodies and covers those in our mental health system who are some of our most vulnerable citizens under the care of bodies such as the public guardian. Such reports are a part of the information loop which allows the public guardian and others to function. One of the main works in the case of the public guardian is to visit people in care. We have often heard in committee hearings in this place how the public guardian visits such people and how their resources are stretched. Should a client in one of our mental health facilities have been involuntarily secluded or sedated, I think as a community we would expect that they might be prioritised for such a visit. If time lines for the reporting of such events are not given a finite limit, my concern is that the integrity of their role in being the eyes and ears of the community could become more difficult. I understand that the government may be taking another view, but I will push on.

The government has brought, with the changes today, a change from a 12-hour time frame for reporting to the terminology "as soon as possible". Given that there was an original 12-hour time frame, I have suggested a 48-hour time frame. This occurs at various places during the bill. I know that the minister's office has come back saying that "as soon as possible" will provide more protection for patients, as reporting could be provided sooner than one or two days, but I think the 48-hour time frame does not preclude earlier reporting. It is an expectation that it will be done within that time period.

I recall that last year, even in decisions around merging the public trustee and the public advocate, there was significant concern about bringing those two functions together. The former head of the public guardian, Heather McGregor, was reported as saying that it would be a travesty to give the guardianship function to the public trustee because of some issues that had been experienced there, and speaking about public trust. So I guess it goes to public trust as well.

I think it is worth having a conversation in this place about time frames and the protection of the human rights of those who are being dealt with at the more severe end of the spectrum of mental health.

Let me go to facilities. We do not need to add to the concerns of those being protected by the public guardian or undermine their ability to demand that basic standards are maintained. I have a very real concern about an open-ended time frame for that reporting.

The remainder of the amendment bill covers mostly minor and technical amendments, with changes to forensic community care orders to allow the transfer of patients to the secure mental health facility. Also, one of the biggest changes to the bill today is to add chapter 8A, which provides for the opening and operation of the secure mental health facility by setting out the mechanism for the official handover of detainees from ACT Corrective Services and the Community Services Directorate, Child and Youth Protection Services, to the Health Directorate.

As I said before, we are aware that this new facility is a model of care we have not seen in the ACT before, and that there will be more to know, to understand and to watch as the facility is opened. I am sure the review, which I believe will be undertaken around the 18-month mark, will be welcome to ensure that the facility is working as it is supposed to work and that the model of care is working.

As I mentioned in the previous debate, there is apprehension in the community about forensic and non-forensic patients being in this facility—people coming out of the AMC or coming from the broader community. Yes, there will always be some form of court order or, I presume, ACAT order to have people put into the facility. However, it is around their expectations given that it is being promoted as a health facility and being maintained by the Health Directorate.

I also have concerns about young detainees possibly being transferred into the facility and the appropriateness of the care that they will receive. I am sure everyone's intention is for that care to be appropriate. However, we do tend to keep younger people in separate facilities. In this case, there is the possibility that young people will occasionally be in this facility. Again, I look forward to briefings from the minister and the minister's officials to understand better how the details are going to be nutted out in relation to young people.

There is still ongoing community concern regarding the combination of different people, how they will be managed in the facility and, as I say, the prison-like nature of the facility and how visitations will be supported.

We do support the bill on the whole. I just foreshadow the three amendments that have been circulated and another one, at clause 44, which is the same change to another area where I realised the 12-hour time frame was being taken away.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (5.12): I rise

to speak in support of the Mental Health Amendment Bill 2016. The primary purpose of the amendment bill relevant to my portfolio responsibility of corrections is to authorise the transfer of a detainee's legal custody from ACT Corrective Services to ACT Health upon their admission to the secure mental health unit once it is operational. The amendment bill also includes consequential amendments to the Corrections Management Act 2007 to give effect to these changes.

These amendments mark a significant change to and maturity in the way the government supports detainees who require treatment or care for mental illness or mental disorder. The secure mental health unit will provide the necessary capability to appropriately balance the detainee's obligations in custody and the government's responsibility to staff and public safety and ensure that detainees have a standard of health care equivalent to the community in conditions of detention that promote their health and wellbeing.

ACT Corrective Services are responsible for ensuring the safety, security, health and wellbeing of detainees, the safety of staff and the community, and the security of correctional services. Currently a detainee attending a health facility for treatment remains in the legal custody of ACT Corrective Services throughout their transport and stay in a health facility. ACT Corrective Services makes decisions regarding appropriate security arrangements for the detainee, taking into account the safe custody and welfare of the person and the safety of staff and members of the public.

The final decision over security and escort arrangements of the detainee remains the responsibility of ACT Corrective Services. This includes any use of restraints or use of force where they are deemed necessary. Since the Alexander Maconochie Centre was opened in 2009, ACT Corrective Services staff have worked in partnership and collaboration with ACT Health staff to support detainees requiring health treatment. This includes treatment for mental illness or mental disorder, including those on formal mental health orders either within the correctional centre or, where necessary, at the mental health assessment unit or adult mental health unit.

Since 2009, the number of detainees with complex needs in the ACT has increased. The changes effected by the amendment bill recognise the additional resources required to adequately support the management and ongoing intervention of detainees who require treatment for mental illness or mental disorder, and are consistent with practice in other jurisdictions across Australia.

The provisions included in this amendment bill do not remove ACT Corrective Services' responsibility or care for detainees who require treatment for mental illness or mental disorder. Instead, these amendments recognise that in certain circumstances it is more appropriate for a detainee to receive treatment at a dedicated and secure facility. The additional capability realised through the construction of the secure mental health unit and the provisions in this amendment bill meet this gap.

The amendment bill also aims to address the potential legislative tension between provisions in the Mental Health Act 2015 and the former Mental Health Treatment and Care Act 1994 and the Corrections Management Act 2007 regarding the management, security and appropriate care for detainees in ACT Corrective Services custody requiring mental health treatment and care.

The incident which highlighted this legislative tension was the subject of a formal investigation by the health services commissioner in August 2012. The health services commissioner's final report to government included a recommendation that amendments be made to legislation to clarify roles and responsibilities and to allow for the legal custody of a detainee to be transferred to ACT Health to facilitate appropriate mental health treatment and care.

Under the amendment bill, detainees requiring a more intensive or specialised level of treatment may be transferred from the AMC to the secure mental health unit at the request of the Chief Psychiatrist in consultation with the doctor based at the Hume Health Centre within the AMC and in consultation and with the agreement of the Director-General of the Justice and Community Safety Directorate or delegate.

Upon a detainee's admission to the secure mental health unit, legal custody obligations and decision-making responsibility will transfer from Corrective Services to Health. This includes detainees on remand or serving a sentence, and may include detainees subject to a mental health or forensic mental health order, as well as detainees not subject to an order but where a clinical need has been identified.

The transfer of legal custody provisions relates only to detainees admitted to the secure mental health unit. A detainee requiring health treatment or care in a hospital or other mental health facility will remain in the legal custody of ACT Corrective Services. Detainees with acute mental illness or mental disorder will continue to receive treatment within the correctional centre if appropriate. Detainees, if required, will also still receive assessment and treatment as required, including crisis stabilisation at the mental health assessment unit or adult mental health unit. In these cases, as already stated, full custody will remain with ACT Corrective Services.

The amendment bill provides that ACT Corrective Services resumes legal custody of a detainee admitted to the secure mental health unit when the detainee is required to attend court or upon the detainee's discharge from the secure mental health unit if the detainee is still under a court order requiring full-time imprisonment.

ACT Corrective Services agree to resume custody of a detainee for the purpose of court to ensure effective use of territory resources. There is also scope for the Director-General of the Justice and Community Safety Directorate or delegate to approve ACT Corrective Services providing other escort services to detainees where legal custody has transferred to ACT Health. In addition, the amendment bill clarifies each directorate's legal authority to grant a detainee leave, or to revoke it, from an approved mental health facility and the secure mental health unit.

These provisions, however, do not limit or hinder the ability for Corrective Services to revoke a detainee's transfer direction to an approved mental health facility under the Corrections Management Act if deemed necessary or required.

I am satisfied that the work undertaken by ACT Corrective Services and ACT Health in drafting the provisions in the amendment bill presented before the Assembly today largely meets the former health services commissioner's recommendations by

providing for legal custody of a detainee to transfer to Health upon admission to the secure mental health unit while at the same time ensuring that the authority and responsibility of each directorate is clearly defined and the secure detention of the detainee and the safety of the public and staff are not compromised.

As agreed between me and the Minister for Health, the directorates are currently finalising a memorandum of understanding and will continue to work together in the drafting of policies and operating procedures to ensure that this translates appropriately in an operational context and the aims of the legislation are fully realised. This includes processes and procedures that ensure that both directorates have the ability to adequately plan and manage a detainee's escort, accommodation and care arrangements; there is clear written authority of legal custody upon a detainee's transfer from one agency to the other; there is no gap in supervision or responsibility over a detainee as a result of legal custody transferring; and adequate notification and information-sharing processes are in place.

I fully trust that staff from both Corrective Services and ACT Health will continue to work closely together to ensure detainees receive adequate health care, treatment and support. I would also like to take this opportunity to thank the staff in both directorates for working together to resolve this matter. I think we have received a satisfactory outcome that, as I said, is clear and is mindful of both the security responsibilities of Corrective Services and the health needs of detainees. I am pleased to support this bill in the Assembly 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) (5.20), in reply: I would like to thank members for their contributions to this debate. As members have highlighted, this amendment bill is based on the extensive consultations undertaken during the review of the Mental Health (Treatment and Care) Act. Provisions in the bill coming out of those consultations were delayed and were not included in the substantive legislation which the Assembly passed last year because of the delay between the act commencing and the new secure mental health unit becoming operational, which will be later this year.

As members have observed, one of the primary purposes of the bill is to provide for smooth transitions when the lawful custody of people is required to be transferred from the directors-general under the Corrections Management Act or the Children and Young People Act to the Director-General of ACT Health.

Mr Rattenbury, my ministerial colleague, has made some observations on that. I would only add that the provisions in this bill that will provide for the transfer of lawful custody of people to ACT Health will be of assistance when the secure mental health unit opens in the coming year.

I note also the comments of Mrs Jones in relation to the notification provisions for the Public Advocate to be notified in writing about incidents of seclusion, restraint or the forcible giving of medication. I understand Mrs Jones's concerns around this matter, but I simply want to restate the advice that the government has provided to the

opposition previously, which is that the provisions as drafted are, in our view, and in the view of parliamentary counsel, the most effective in requiring notification to the Public Advocate as soon as possible. That places a clear onus on relevant officials to make those notifications promptly. As I will say if we discuss this matter in the detail stage, it also means that the check on failure to do that is the reporting and oversight of the Public Advocate. The obligation on the officials is to notify as soon as possible, and if the Public Advocate feels that is not occurring then the Public Advocate, as the independent oversight statutory office holder, is able to inquire into that, report on that and require better performance. So there is a very clear check through the functions of the Public Advocate. However, we can discuss that further, should we need to, in the detail stage.

Finally, I would simply make the observation that these provisions are important. Having detainees or young detainees being provided with treatment, care or support for mental illness or mental disorder can have significant therapeutic benefits, as well as ensuring that it provides the most appropriate care setting. The technical amendments in this bill will provide for further inclusion of carers and other close people supporting a person living with mental illness. I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MRS JONES (Molonglo) (5.24), by leave: I move amendments Nos 1 to 3 circulated in my name together *[see schedule 1 at page 2027]*.

I have explained my rationale. My concerns were around an unlimited time frame. I understand that the government take a different view, and it is reasonable for them to do so. I do feel strongly about this. There is the capacity to go back and review if such provisions are being undertaken in a way that the Public Advocate does not believe to be acceptably fast, and for them to perhaps publicly state so. However, I believe that in the interest of the human rights of the individuals, and given that there was a set time frame which was apparently difficult to adhere to, a reasonable set time frame would actually give an assurance to those in the system.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (5.26): I rise to speak briefly on these amendments. I have listened carefully to the point Mrs Jones has made, and I have given it a bit of thought. I will not be supporting the amendments, but she has raised an interesting point. The reason I will not support them is that at this point a lot of work has gone into this legislation. There has been a very extensive consultation process, and I am not clear that 48 hours, as proposed by Mrs Jones, is the right number.

It might be desirable to have a specified time frame, and I think that is a point of debate. But even if we were to accept that it is better to specify a time frame than simply to stick with a formulation that says "as soon as possible", I do not know that 48 hours is the right number. It might be or it might not be. I do not have a basis on which to make that decision at this time.

Given the extensive work that has gone into the legislation at this point, I do not think the Assembly can say, "This is the appropriate time frame." So there are two reasons that leave me uncertain that I could support it: firstly, I think the formulation "as soon as possible" will work, and can work very effectively; secondly, there is the lack of a clear reason why that number and not some other number is the right answer.

Finally, there is a requirement in the Mental Health Act for a statutory review process in the near future. So if the points that Mrs Jones has raised do eventuate, there will be an opportunity to revisit this at that time. Mrs Jones may well get the opportunity to walk into this chamber and say, "I was right," and so be it if that is the case. There is that point not too far along the way so that if we find this is an issue, this Assembly must be willing to revisit the point and take on board the view that Mrs Jones has put 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) (5.28): The government will not support the amendments. There is a requirement for a report to be provided as soon as possible; this is in relation to the period of time within which the Public Advocate must be notified in writing about incidents of seclusion, restraint or forcible giving of medication.

As Mrs Jones has indicated, she believes this should be no later than 48 hours. The current provision provides for "as soon as possible". In the government's view, the requirement for a report to be required as soon as possible provides better protection for patients, as it actually enables a stricter test to be applied, particularly where, in the patient's best interests, a report is required to be provided sooner than one or two days. The difficulty with a 48-hour provision is that it may actually mean reports will not be provided within that period. They might be provided right at the end of that period, that is, up to two days later, and it would be better for those reports to be provided sooner than 48 hours. So the current test, in the government's view, is actually stricter and provides a better safeguard.

I would make the observation that Mr Rattenbury made: that there is the opportunity for the operation of this provision to be reviewed, with the review provisions in the legislation, and if it does present as problematic that issue will emerge at that time. However, I am conscious of the advice of parliamentary counsel and the Health Directorate and believe that this current formulation is the better one.

Question put:

> That amendments Nos 1 to 3 be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Emergencies Amendment Bill 2016

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

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.34): The opposition will be opposing some clauses in this bill tonight and whilst not voting against the rest of it, we will not necessarily be supporting it. I think there are significant concerns in this bill and significant concerns about the bill expressed by the people who will be most affected by it, that is, the members of the United Firefighters Union, the firefighters of Fire & Rescue and the volunteers in the Rural Fire Service.

The bill has been on the table for only a month. There are briefings still going on. Indeed, the captains of the volunteer brigades are being briefed tonight. I think a simple adjournment would have been the most effective answer. I was going to move it but in the interests of time I will keep going.

The problem is that I think much in this bill is uncertain. I think from the very start some of the process has been somewhat poor. I went back to an email I received last year from one of the members of the Rural Fire Service known to all of us, who wrote a letter to all of the politicians in the ACT, irrespective of what party they belonged to. He wrote, "I express my disgust at another review of our emergency services."

Then he went on to point out that the information provided in the review was simply wrong. The whole basis on which it was undertaken had inaccuracies in it. I think that this has a consequence for some of the recommendations in the review. For instance, the review recommended changes to the consultation role of the council. The act currently provides that the council has a consultation role in relation to the appointment by the minister or the chief officer or deputy chief officer of the Rural Fire Service and in relation to the appointment of the chief officer of volunteer members of RFS of senior rank.

It said that that was a sort of a holdover from the day when the bushfire council actually ran bushfire ops, but it is not true. It came out of the deliberations when the 2004 emergencies bill was being prepared. If we are starting from a basis where there are inaccuracies, I think it is very dangerous to proceed when, in some regards, consultation is still underway and in other regards an organisation such as the UFU has stated that they would prefer this was not discussed today.

Part of the reason goes to the BAZ—the bushfire abatement zone. In the presentations that have been put around, one of the nice screens in the presentation states, "One of the proposed changes relates to the removal of the bushfire abatement zone for operational responses." But we then find that the bushfire abatement zone is kept for planning response.

How you can plan for something with a zone in place but then not have that zone in place in an operational sense confounds me in many ways. What you train for is what you carry out. What you plan for is what you carry out. If there is ambiguity about what the value of the bushfire abatement zone is, then perhaps it should be removed altogether. This is one of the concerns raised by many of those who go into the bushfire abatement zone to put out the fires. I think there are significant reasons for this not to proceed tonight.

There are some interesting paragraphs in the government's ES that have raised the ire of a number of people who have brought them to my attention. One of them is that the review noted the council's consultation role being focused on the RFS is inconsistent as it does not have a similar role in relation to the appointments within ACT Fire & Rescue. I wonder how the UFU or the minister would take to that. This is despite ACT Fire & Rescue responding to more grass and bushfires than the RFS, as is expected given ACT Fire & Rescue's professional full-time capacity while the RFS is primarily a volunteer response organisation.

I assume the department prepared this and not the minister. You can read it in a disparaging way to say that ACT Fire & Rescue is professional and full time but the RFS is just a bunch of volunteers. The RFS I go out into the field with is incredibly professional. Some of them probably put more time in than some of the full timers put in. They live this; they love this. I think some of that sort of language in the document is not helpful. It does question their expertise, their experience, their professionalism and their dedication.

It goes on to say that the council does not have these functions under the jurisdictions. Quite frankly, I do not care. The council, I think, has proved itself to be invaluable over a long period of time. I think it still has a very important role to play.

Let me get to the BAZ. There is some work to be done to determine the maps: in effect, what is urban and what is rural. I do not see why that work cannot be commenced immediately. It has been put to me that the legislation does not allow for it. I suspect the legislation does not stop it. I am not certain what clause in the legislation would stop someone from preparing that delineation of their version of what is urban and what is rural.

It is important that that work be done. But as the UFU and some of the RFS people have said to me, we are going to pass legislation and then let somebody define it. What we need to know is how they are defining it before we go to the legislation. Indeed, there are a number of references in the explanatory statement where the legislation has been changed to support the commissioner's guidelines. Surely the commissioner's guidelines come as a result of the legislation.

I do not think I have ever seen a piece of legislation that we are amending that supports what the commissioner wants to do. What we legislate for in this place is to direct the public servants in what they do. But this is almost retrospective. The commissioner has decided this. I wonder how many people in this room have actually read the commissioner's guidelines and understood what they actually mean. But what we will do is give effect to those guidelines even though we do not see them in this document. That is not right. That is now how legislation should work.

There are also concerns about the council. Years ago, long before self-government, the Bushfire Council actually ran the operations and there were very experienced people on that council. They came out of the ranks of the firefighters and that was a good thing. But they were people with experience and with knowledge. Those people proved themselves invaluable in 2003. Those people, and particularly Val Jeffery in Tharwa on that night of the 17th with his years of experience, proved why it is important to have people like Val and others around. He is credited with putting in a back-burn that saved Tharwa, which perhaps was not approved by headquarters.

That is the sort of experience that you want because you cannot get the experience of large wildfires without years and years in the field. What we are doing tonight is emasculating that experience and putting them down to simply not approving anything except being consulted on the commissioner's guidelines for some very important placements. The review concludes that possibly there were people in control in 2003 without the relevant experience. That is why that referral power came about in the Emergencies Act 2004, not as put forward in this document.

It is very important to get the history right because if you do not understand your history you are simply doomed to repeat it. I think it is very important, members, that we do not repeat history by changing this tonight. Perhaps Mr Rattenbury will listen to what I am saying and when he gets up he might move to adjourn the debate. I would support him on that.

But we are going to dispense with that history. Worse than that, we are now going to time limit people on the council. People on the council have been turned over regularly and naturally. But now it is going to be limited to people doing only two terms of four years; so you can have eight years starting from today. If you are on the council you can remain for eight years. But the ministers have exercised their power to turn over the membership and to renew it. That is a good thing.

But if this legislation had been in place in 2003, for instance, the time of somebody on the council who assisted in the firefighting and observed the fires in 2003 would have run out in 2011. Then they would have gone off for four years and maybe they could

get back on; maybe they could not; but they might be lost to us. That is not to say there are not other worthy individuals to get on the council, but I do not see the need for this sort of procedure.

I think what it does is rob us of a valuable resource and I know we will come to regret this. I will have more to say on the council when we move to the amendments. My amendments are simply to omit four clauses that give me great concern. They give effect to this.

I think that there are some problems still with the command and control structure. I do not believe that this is adequately addressed by the legislation in front of us. One of the other bits of the explanatory statement gives me great concern. It is lauded in the document that we are going to give the RFS the power to respond in the urban area, but we already do. We always have. I have been on the top of Oxley Hill; I have been on Mount Taylor; I have been in all sorts of places. Yes, ACT Fire & Rescue turned up as well. But I suspect that this is seen as some sort of enabling clause. But at the same time it tends to say that the RFS cannot be trusted to fight a fire within the built-up area.

Referring again to the explanatory memorandum, this power only applies when a member of ACT Fire & Rescue is not present in line with the existing commissioner's concept of operations for grass and bushfires. Again, we have got the commissioner's concept driving the legislation. I think that is really dangerous because if the concept changes, does that mean we have to come back and change the legislation? It is an interesting thought.

In line with the existing commissioner's concept of operation for grass and bushfires, the RFS would hand over control of fire response operations in relation to a fire within the built-up area as soon as it is safe and practical to do so following a member of ACT Fire & Rescue arriving on the scene. There is no change to the current practice that ACT Fire & Rescue have primacy of response for building fires, whether in the city or rural areas.

There is a little park in the middle of Oxley Hill. I went to this little park two or three days in a row back in the mid-90s. It is clearly in a built-up area. I think on the first day we were the first ones there. On the second day, RFS and Fire & Rescue turned up if my memory serves me right, but because it was actually quite wet they could not get their large vehicles in. We took our light units in and knocked the fire over. It kind of says that the RFS is incapable of putting out a small grass fire in a park in Oxley, which is patently untrue and false. This should not be allowed to be got away with.

There will always be tensions between the paid service and unpaid service. You know, the volunteers are always griping: we never get responded to; the firefighters think often they should be there first. But the guidelines state that it is the closest unit with the capability to go. If we send the closest unit, it might be an RFS unit but then a Fire & Rescue unit has to come and take control of the incident.

I question whether that is a good use of resources. Take the example of a high fire danger day when there are a number of small grassfires. If they are little and the RFS

gets there first and knocks them down, what is the need then for a Fire & Rescue unit to attend? If you are not happy with the way the RFS puts fires out, then say so. But I do not think there is anything in the amendments that clarifies this.

There is also concern about how who is in charge is determined. On pages 11 and 12 of the explanatory statement it is stated:

> … in relation to fires in the bushfire abatement zone, the service responsible for incident control will be decided by the officers in charge on scene from each service liaising with each other and jointly determining the priorities and strategies for the management of the fire, including incident control.

If there is a fire going and two services have turned up, the first thing we do is have a powwow about who is the boss. It goes on to say:

> If agreement is not quickly achieved on scene the officer in charge on scene from each Service must immediately contact their respective Chief Officer.

So out come the mobile phones or we are on the two-ways, "Hey, boss, we can't agree with the other guy about who is in charge." The explanatory statement continues:

> The Chief Officers will then liaise with each other …

Just remember that there is a fire burning; it states:

> The Chief Officers will then liaise with each other and appoint an Incident Controller and other Incident Management Team (IMT) roles as required.

So the people not on the scene will determine who is in charge. It is almost ludicrous except it is here in the explanatory statement. We are about to pass legislation that effects this. The explanatory statement says:

> If, in the opinion of either Chief Officer the fire is likely to escalate, or has escalated, into a complex incident threatening life, property or significant environmental assets, or multiple incidents are occurring that may compete for resources the fire will be under the control of an off-scene located IMT.

It goes on to say:

> The Review found that these procedures for determining which service has control of a fire in the bushfire abatement zone are cumbersome and potentially problematic.

But I am not sure the amendments that are being proposed address this. I think these are very serious issues. All of us in this place should consider the seriousness of this. You are being asked to vote on legislation this evening that gives power to the commissioner's concept of operations. We are doing this backwards. It says in here that this gives effect to the commissioner's concept of operations. Perhaps the minister and I have read them but I cannot imagine many others in this place have.

This is life or death. Go back to 2003; this is 500 homes. I think that to rush this forward tonight would be most unfortunate. They are the issues that we are confronted with tonight. We have had a review. Some have criticised the founding basis of that review. We have a response from the reviewing team that some people have pointed out to me is inaccurate. From some of that inaccurate data we have drawn conclusions that lead us to this bill tonight.

The bill is full of inconsistencies. We are going to get rid of the BAZ but we are going to keep the BAZ. We are going to clarify that the RFS can go to fires but they are not necessarily going to be in charge of fires. We have got officers who have to meet on a fire ground to determine who is in charge and if they cannot then they go up the chain. If this were not so serious, it could be a very funny episode on some of the popular TV shows that we currently have running in this country.

We dispense with the expertise and the role of the council to make it a consultative body. All they get to do is consult on the criteria for the selection of the head of the Rural Fire Service as proposed by the commissioner, not on who gets the job.

These are serious issues. I would ask members to consider putting this off until August so that there is more time for consultation. As I have said, the captains are being briefed tonight, I guess in the expectation that the bill would have been passed by now. But the captains are the ones who are directly affected by this because they command the volunteers in the field.

There are concerns from the UFU over what is in and what is out the zone. As I have said, that is a fight that is probably going to go on for a long time and may never be resolved to the satisfaction of both sides. But it does not mean that we have to rush this through tonight. There is nothing that I read that stops the preparation of the maps that define the urban and the rural. That work can continue apace. I suspect that a lot of people would like to have some input into that. We have got concerns from the RFS members. We have got concerns from the UFU members, who will be directly and considerably affected by these amendments that we make tonight.

With that, members, I suggest that perhaps we do not proceed this evening, that what we do is adjourn and we get answers to the questions that have been raised. We check the accuracy of information provided and we come back to this in August, by which time a lot of the work that seems to be the urgent reason for passing this tonight could have started and may well be completed. That would be the sensible approach to this bill today.

MR RATTENBURY (Molonglo) (5.54): This bill makes a number of changes to the Emergencies Act in order to implement the recommendation from a review of the act that was conducted last year. The bill will impose increased restrictions on activities that are permitted during total fire bans. Currently the act makes it an offence to light a fire during a total fire ban but does not specifically restrict activities that could cause a fire to ignite. The bill addresses this by creating a new offence of undertaking a high-risk activity in the open during a total fire ban period.

High-risk activities include activities such as welding, grinding, soldering and gas cutting. Given the very high risk to life and property of fires and the high level of knowledge in the community about the risks of fires during total fire bans, I agree it is appropriate to create this new offence.

The bill also increases the penalty for lighting a fire during a total fire ban from 50 penalty units and imprisonment of two years, 200 penalty units or both. The review of the act found that the maximum penalties for the majority of offences were balanced and proportional, with the exception of this particular penalty. It has, therefore, been increased to reflect its seriousness to ensure it is an effective deterrent.

Certainly the key issue—and Mr Smyth has just spent some time discussing this—that has been raised with my office over the past couple of days is that of the declarations and definitions of the "built-up area", the "bushfire abatement zone" and the "rural area". Certainly my office has had conversations with the United Firefighters Union. We have been in touch with the RFS and I have obviously spoken to my fellow MLAs, and I think this is a challenging issue.

In my mind the most important point is getting clarity and getting clear maps about who is responsible where. That, I think, is something on which there is universal agreement. Where there does seem to be some disagreement is perhaps either in the interpretation of the legislation or what the final outcome of that determinative process will be.

The review found that the procedures for determining which service has control of a fire in the bushfire abatement zone are cumbersome and potentially problematic. The bill clarifies these powers by giving the RFS responsibility for response and response planning in this area. The concept of a bushfire abatement zone is also removed from the act for the purposes of operational planning and response.

Responsibility for fire planning response will now be split between the rural area, which is the responsibility of the RFS, and the built-up area, which is the responsibility of ACT Fire & Rescue. The rural area will incorporate the bushfire abatement zone for operational purposes, but what we will end up with is essentially two areas. I think that clarity, as I understand it, will be very beneficial when it comes to understanding the responsibilities of both services into the future.

The clarification of these areas is defined within a notifiable instrument declared by the commissioner. Given the changes in this legislation, it is of utmost importance that the notified maps are amended to reflect the new definitions and are developed in close consultation with both ACT Fire & Rescue and the Rural Fire Service. Both parties from my discussions are very keen to have these new maps, and the minister and the commissioner have given their commitment to ensuring that emergency services operational review group meetings will be convened as soon as possible to finalise the new maps. They certainly need to be done in time for the next bushfire season, which, of course, will commence, all else being equal, on 1 October.

The amendment ensures that the Rural Fire Service has the ability to respond to fire within the built-up area where ACT Fire & Rescue is not available or where a member of ACT Fire & Rescue is not present to direct the Rural Fire Service.

The bill makes some changes to the governance arrangements for the ACT Bushfire Council. They seem like sensible changes to me, but when Mr Smyth moves his amendments later I will make my specific points there.

The bill gives the Chief Officer of the Rural Fire Service the power to issue an improvement notice, occupancy notice or closure notice for premises within the rural area, which is where the chief officer is responsible for fire preparedness and fire response. This amendment is made, of course, to ensure that the chief officer has appropriate powers to address a risk to public safety or to the safety of people who are or are likely to be at the premises.

The bill provides an exception to the offence of interfering with a fire appliance as long as they have permission of the relevant authority. This allows, for example, maintenance to be conducted on these devices.

The bill makes a number of amendments to support the ESA's ability to adopt an all-hazards approach to emergency management. This approach involves arrangements for managing the large range of possible effects of risks and emergencies, including warning, evacuation, medical services and community recovery. The bill confers several additional powers on the Chief Officer of Fire & Rescue and the Chief Officer of the RFS for the purposes of extinguishing or preventing the spread of fires and to preserve life, property or the environment. These powers may be delegated and exercised without the need to seek authorisation when this is not practicable.

The explanatory statement cites a useful, practical example where, during the September 2011 Mitchell chemical explosion and fire, ACT Fire & Rescue members faced some limitations in exercising powers to prevent the spread of chemicals, including via a smoke boom, because this did not specifically relate to extinguishing or preventing the spread of a fire, the words that the act used.

The bill makes sensible amendments so that members of ACT Fire & Rescue or the RFS are able to exercise the powers available to them under those sections—

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR RATTENBURY: As I was saying, the bill makes sensible amendments so that members of ACT Fire & Rescue or the Rural Fire Service are able to exercise the powers available to them under those sections to protect life or property where the threat to life or property arises as a consequence of a fire rather than just from the fire itself.

The bill establishes the ACT Ambulance Service Quality Assurance Committee, as recommended by reviews of the ACTAS in 2010 and 2014. The committee allows open and honest participation of clinical personnel in the scrutiny of clinical incidents, adverse events and deaths and has legal protections so that members can speak freely. I believe this is a good development that will improve systems and help prevent reoccurrences.

As recommended by the review, the bill allows the Chief Officer of ACTAS the power to establish, amend, suspend or withdraw an ambulance officer's scope of clinical practice. This can be necessary when, for example, an adverse clinical incident has occurred and the ambulance service needs to review a case. The power is also consistent with that available in other jurisdictions.

To summarise, this suite of amendments is sensible and was recommended by the review into the act. I believe it will improve the operation of our important emergency services and allow them to perform an even better job in serving and protecting the community during emergencies.

Sitting suspended from 6.02 to 7.30 pm.

Emergencies Amendment Bill 2106

Debate resumed.

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) (7.30), in reply: I would like to thank members for their comments earlier this evening on the Emergencies Amendment Bill. I would like to take the opportunity now to address some of the issues that members have raised in the debate.

The first matter I would like to address is some of the commentary from the opposition, particularly in relation to the issue of simplifying responsibility for fire control. Mr Smyth, I would have to say, has presented a very misleading picture of what the review has concluded and what this bill is attempting to do. We heard Mr Smyth speak about the commissioner's concept of operations. In particular, we heard him cite the provisions that currently exist in relation to where there is not agreement on the scene about who is the officer in charge between the respective services. We heard Mr Smyth cite the provision that provides for the relevant officer in charge from each of the services to escalate the matter to their chief officer.

Mr Smyth commented on the undesirability of this arrangement. But what he failed to say is what is actually outlined next in the explanatory statement to the bill. I would like to quote from what the ES says:

> The Review found that these procedures—

the ones that Mr Smyth referred to—

> for determining which service has control of a fire in the bushfire abatement zone are cumbersome and potentially problematic. Requiring the officers in charge from each service at a fire to attempt to mutually agree which service should have control is an unnecessary distraction for these officers at a time when their efforts would be better served by directing fire response operations. The existing requirement unnecessarily impedes timely decision making for fires in this crucial urban interface. The ACT Auditor-General's 2013 Report into Bushfire Preparedness noted that it was essential in the 'command and control' environment of emergency management to have clarity on geographic responsibilities.

The ES then goes on to say:

> The Review proposed that a single service be given specific responsibility for fire control and response planning in the bushfire abatement zone. While the Review did not seek to identify which service should be given this responsibility, the Chief Officer (F&R) and Chief Officer (RFS) have agreed that it is appropriate that the RFS have responsibility for planning and response in this area.
>
> Accordingly the Bill removes the concept of the bushfire abatement zone from the Act for the purposes of operational planning and response.

Responsibility for fire planning and response will instead be determined by the allocation of RFS responsibility to the rural area and the allocation of Fire & Rescue responsibility to the built-up area.

It is very clear from the explanatory statement—and it is a pity that Mr Smyth did not read from it further—that the intent of this bill addresses the concern that he raised. It addresses the concern that he raised by allocating clear operational responsibility to each of the respective services through a very clear delineation in two demarcated areas, the built-up area and the rural area. The assertion by Mr Smyth that there is confusion or the continuation of an arrangement which the government review itself concluded was undesirable and which this bill is designed to fix is simply untenable.

I am very confident about the capacity of our emergency services to provide one of the best response capabilities in the country. I am also very confident that the reform arrangements in this bill are going to strengthen them further.

Let me turn to the issues around the Bushfire Council. The first amendment made by the bill is to reform the constitution and consultation role of the Bushfire Council. The Bushfire Council, as members would know, is a statutory body charged with providing advice to the minister and the commissioner. The bill is strengthening the membership of the council, first of all, by requiring an explicit requirement on the part of the minister to appoint a representative for rural interests—the interests of rural lessees—as well as to provide for representatives of the community at large and representatives of the community with an interest in relation to matters involving the natural environment. Currently, the act only obliges the minister to try to appoint these representatives. Instead there will be an explicit obligation on the part of the minister to do so. I think that is a good thing for the strength and diversity of the Bushfire Council.

Mr Smyth raised concerns about term limits. He made the observation that it is desirable to have people with experience of significant fire events on the Bushfire Council. I agree with that, but what I do not agree with is that you can be appointed to a government council potentially for life. It is reasonable to have term limits for appointments to important statutory bodies. It provides for renewal, it provides for reinvigoration and it provides for a diversity of views and perspectives.

The government's policy is to provide for term limits of no more than eight years for any one person in any one period as a member of a government statutory body. That is the equivalent of two terms of this place. I think it is a reasonable proposition. It is even more reasonable when we have regard to the fact that people can be appointed again, having not been on the body for a reasonable period, that is, four years.

The Bushfire Council is not an operational body. It does not have responsibility for operations. We heard the commentary from the shadow minister earlier tonight harking back to when the Bushfire Council did have those responsibilities. But that has not been the case since self-government, and to suggest that somehow we should go back to that arrangement is harking back to some bygone glory day which I do not think really has any substance in reality.

The important thing is that we have people with the experience and expertise to provide good advice to the government on bushfire-related policy and planning matters, and that we have people with the necessary experience and expertise to lead what is no longer the ACT Bushfire Service, as it was then, but the ACT Rural Fire Service and all of the responsibilities it now has in a contemporary governance framework.

I am confident that these changes to term limits allow for reasonable renewal, allow new members to bring fresh insights, ideas and approaches, while still maintaining the capacity to have people on the body who have extensive experience, knowledge and wisdom regarding large-scale fire events. The two are not mutually incompatible.

I want to turn to some of the other provisions in the bill that deal with the process involved with determining the future of the built-up area and the rural area. It is clear to me that there are good grounds to review the arrangements for both the built-up area and the rural area in terms of the geographic application of these zones. I would like to make it very clear that the ESA Commissioner has given a commitment, at my request, that subject to this bill being enacted the ESA will commence a process to review the boundaries of the built-up area, with the aim of ensuring that a negotiated notifiable instrument and maps are in effect prior to the commencement of the next bushfire season on 1 October this year.

As part of this consultation process the ESA Commissioner will convene more frequent meetings of the Emergency Services Operational Review Group meeting—ESORG—to facilitate the progress of the new notifiable instrument and maps. The purpose of the declaration of a bushfire abatement zone sits clearly under a bushfire prevention aegis. These amendments maintain the importance of creating a special area around the city to clarify fire planning and prevention measures for land

managers. The amendments will allow the bushfire abatement zone to do its job whilst also allowing us to simplify and clarify the parameters for the relevant operational response and control responsibilities of the respective fire services.

This is important work that needs to be done. The physical structure of our city is unique, with urban areas interspersed with significant areas of native woodland or grassland. It is appropriate that we ensure that the built-up area in particular operates in a logical way that reflects the reality of a number of those areas being very close to the urban interface.

That said, I want to make it very clear that the government's position and that of the ESA is unchanged when it comes to operational response. Operational response will be driven by the nearest and most appropriate unit at all times, regardless of which service it comes from. It might be a Fire & Rescue unit, it might be an RFS volunteer unit or it might be a unit from the parks brigade of the RFS. These are appropriate response arrangements that see the nearest and most appropriate unit dispatched to deal with a fire call.

Finally, it is worth highlighting that this bill does a range of other things, all of which are worthy. In particular it clarifies the penalty arrangements for total fire ban days. That is very important. It clarifies the capacity to prohibit other activities that, whilst they do not involve lighting a fire directly, could result in a fire igniting, such as welding, grinding, soldering and grass cutting. That is an important power to place in the legislation, to prohibit such activity on extremely dangerous fire weather days.

It provides a practical amendment for the issues that deal with permission to interfere with fire appliances. This, I believe, is an important change because at the moment there is no clarity around how you deal with the offence provisions when you come to maintain a fire hydrant or a fire alarm or undertake other work in a building that might otherwise trigger a fire alarm if it was not decommissioned for a short period. These simplify and resolve those issues.

I would like to thank members for their comments on this bill. I want to restate the government's view that this is an important piece of legislation that has not come out of the blue, and it is wrong to say that it has not been the subject of any consultation. The review process dates back a number of years. The issues arising from that review and the consultation undertaken around it have informed the development of this bill. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 4, by leave, taken together.

MR SMYTH (Brindabella) (7.44): As always, Mr Corbell is good at taking half of what you say and then twisting it to use against you. I am quite aware of the

procedures for determining who is in control on the fire ground. I am very much aware of what was said further on, in fact, two paragraphs down from the paragraph I quoted from. What I said was that I do not see the required clarity in the bill, and the minister just ignored that. That is important, Mr Corbell, through you, Madam Speaker. I do not see the clarity, and this is the problem with this bill.

We are about to abolish something called the bushfire abatement zone as an operational tool, but we are not going to replace it with anything yet because that does not exist, and that is the problem. If the minister had managed or bothered to read the email from the UFU he would know they say in a number of their dot points that the sequence of amending the legislation first then making any boundary changes later would leave the ACT in a position where there was no BAZ in place for operational response nor any time frame for changes to the boundary to be made to take account of the removal of the BAZ for operational purposes. What you do is leave us exposed.

We have this assurance from the minister that it will all be done expeditiously. But if it is that important, why was it not done so we could view it today, so we knew what we were voting on? What we are voting for is to remove something that is very important in an operational sense unless there is a replacement, and there is no replacement. That is the problem, members. The UFU goes on to say in their email that they consider that before they can agree that the changes to the BAZ are acceptable they need to understand what changes would be made to the boundaries to ensure that the intent of the McLeod inquiry was preserved. As things stand there is only a commitment to talk.

If we are going to talk about the BAZ because it came out of McLeod and we have to keep McLeod, the McLeod inquiry also said that the ESA should be a statutory authority. But the government did not accept that. It watered down many of the recommendations of the McLeod inquiry as it suited them. I think perhaps the most important was, in many ways, the establishment of the ESA as a statutory authority in its own right. But the government did not like that. And why not? Because they wanted to cut its budget. That is all it was; it was just budgetary constraint.

What we are doing now is potentially adding confusion for a period of time until the maps are agreed to. That may be, as Mr Corbell and I had a conversation outside, a little bit contentious because there are different groups with an interest in this. I do not see why we have to race this through when we leave a void that cannot be answered until the commissioner has determined what the new maps will look like.

The logical thing to do would be to do those maps so that the replacement was ready to roll instead of there being a void. The best way to get everybody on side is to have agreement on the maps before you make these changes. That is my principal objection to what is going on here today.

In regard to Mr Corbell's comments on the council, he quite rightly quotes clause 44 in the bill. Clause 44 says there:

> … must be appointed under subsection (1)—

which is the council—

> (a) a person to represent the interests of the rural lessees;
>
> (b) a person with relevant skills or experience to represent the community's interest in the environment;

Remember, this is the Bushfire Council, and the only people who must be on the council are a rural lessee and a person with relevant skills or experience to represent the community. The section then goes on to say:

> The Minister must try to ensure that the following are among the other members are appointed:
>
> (a) a person with skills or experience in fire sciences;

So the Bushfire Council has to have somebody who is a rural lessee and someone with experience in the environment—that is a must—but experience in fire science is a "may". Experience in land management is a "may". A person with experience in fighting fires in the built-up area is only a "may". The minister will try to get somebody with that. A person with experience in fighting fires in rural areas is a "may", and a person with experience in indigenous land management "may" be on the council.

That is what is wrong with this legislation today, members. We are moving into an indecisive period or an indecisive process that will now depend on the outcome of some further consultation to replace something that we have already gotten rid of. At the same time, the body which is there to advise the minister on bush firefighting does not have to have bush firefighting experience and capability on that board. It must have a rural lessee and it must have someone to represent the community's interest in the environment, which is very interesting wording: a person with relevant skills or experience to represent the community's interest in the environment. We have forgotten about land management; we have forgotten about fire science; we have forgotten about fighting fires in built-up areas, we have forgotten about fighting fires in rural areas; and we have forgotten about indigenous land management.

There are significant flaws in the approach of this minister and there are significant flaws in this bill. Again, I ask members if they would consider not finalising this bill tonight, taking into account the concerns that have been raised and taking into account the concerns of some of the RFS volunteers and the UFU. This is fraught with danger.

I know some of the submissions to the review suggested people with land management experience. Indeed, I know that at least one of the suggestions to the review was experience in managing large wildfires, because that is also a very special skill. But no, we are not going to necessarily have those. I assume we probably will have those people on, but it is not guaranteed. The minister only has to try to ensure the following are appointed. The minister could say, "Well, I tried. I could not find anybody I thought relevant." That is unacceptable, members, and that is why we should not be doing this bill this evening.

MR RATTENBURY (Molonglo) (7.51): I will take the opportunity to speak now briefly on the issue of the composition of the Bushfire Council, which Mr Smyth has spoken about. The particular issue that seems to be in contention is the limit of two terms. I gave this some explicit consideration and I have had a few discussions with colleagues about it. I think this is not an unreasonable proposition. There is, of course, a balance to strike here between having good experience on the council—people who have essentially been around and seen it all before—and also offering new opportunities for people with new expertise or making sure that new generations of people come through and get the requisite skills and have the opportunity to participate in these processes.

I do not think having a term limit precludes either of those things. It probably facilitates a little bit of turnover, but I think it is also about two consecutive terms. Minister Corbell said earlier in the discussion we had that it would mean that somebody very experienced in the community who had been around for a while could do a couple of terms then have a term off and could potentially come back, if they were still keen. Over a 20-odd year period or 30-year period, which is the involvement of some people in this area—I am sure Mr Smyth and Mr Corbell could both give me some names of people that have been involved for that long—it is not unreasonable that they have a couple of years off the council, come back on, and those sorts of things. I do not think this precludes people of vast experience both being on the council and potentially spending a considerable amount of time on the council over a number of years. On that basis, I am happy to support the issue of the term limits.

Council also is not an operational body but a strategic planning one. I think that is a consideration in terms of thinking about who should be on it and what their skills should be. For me, that is part of the consideration. It does not need to be lots of people that have been around for forever; it could also be people with particular academic skills and the like. As the list stipulates, a range of experiences are sought on the Bushfire Council. On that basis, I am comfortable with that part of the bill.

Clauses 1 to 4 agreed to.

Clause 5.

MR SMYTH (Brindabella) (7.54): Madam Speaker, there are four clauses coming up, 5, 11, 15 and 46, which I will vote against. I will speak to them all now for the sake of moving the debate on.

What these clauses do is gut the Bushfire Council. What these clauses do is put all of the power into the hands of the commissioner. I think that is unfortunate. These clauses, which required consultation before appointments were made, were put there in 2004, and they were put there because I think it was recognised after the 2003 fires that people without relevant experience were probably getting jobs that they should not have.

It has operated pretty well for the past 13 years. I am not aware of anybody being knocked off by the council in terms of the council disagreeing over a proposed appointment. But when it is removed, the council will have no role. In effect, the council will be allowed to comment on the criteria that will be used to select the people who fill these vital roles. That is all they will do. This is gutting the council. In many ways, you might as well just get rid of the council. I cannot think of any appropriate appointment that has been made. But this is about giving the commissioner total power.

For a number of years, I understand that the council, in its written reports to the minister, has raised concerns about some of the levels of experience in some of the RFS officers nominated to perform the key incident management roles, particularly for level 3 incidents, the big incidents. Just about every year in estimates and annual reports hearings I have asked how many controllers we have with skills at levels 1, 2 and 3. If you are running a level 3 fire, you are going to need lots of people to back each other up over a period of days, potentially with multiple incidents running all at the same time. The numbers that have come back have been very scary, and people have said to me that some of the numbers that have come back are not particularly accurate.

There are some concerns that out at the Mount Clear fire we perhaps had an inexperienced RFS officer make a wrong call, and what could have been a very short fire became a very long fire. That is the problem. That is what the minister is proposing we back this evening.

Clause 5 says:

> The commissioner must consult the bushfire council before making a guideline … required for the appointment of a volunteer member of the rural fire service to a senior rank of the service.

In effect, this is peer judgement, so it is quality assurance. That is not an unreasonable thing to have for such a potentially serious event. It says that the chief officer of the Rural Fire Service must consult with the Bushfire Council. That is omitted in clause 11. Clause 15 is the same. This is in relation to the deputy chief officer. They will not have to consult now with the chief officer of the RFS; they then will not have to consult over the appointment of the deputy chief officer. Then there is clause 15. Then in clause 46 is the appointment of the terms. I do not believe there has ever been a problem with somebody staying too long on the council, and when ministers over time have wanted to change the council, those things have happened. The process is working quite well.

You can say that eight years is a long time. It probably is. But I think it is working well at the moment. We are managing to keep experience and we are managing to get the new experience on. It is about a shift in power. That shift goes back to the commissioner. It is unfortunate, because it is not needed and it is not required. This is the community through its Bushfire Council, making representations or giving advice to the minister and having a look beyond what the commissioner is doing. That is a good thing, particularly with the experience that we have been blessed with on the council over the years. I think it is a shame.

So we will be opposing clause 5, clause 11, clause 15 and clause 46, because in effect they gut the Bushfire Council of the ACT.

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) (7.59): Madam Speaker, I reject the assertion by the shadow minister on this matter. The Bushfire Council will continue to perform a range of very important functions. The Bushfire Council has always been there as a watchdog for the community and the minister on the effectiveness of our planning and preparedness and response capability to fire. That is why it is there.

In my previous tenure as minister and my current tenure as minister in this portfolio, my view has always been, and it is embodied in the powers of the Bushfire Council, that it is there to make sure that the RFS, the ESA and the land managers are all doing their jobs to try to mitigate and be as well prepared as possible for fire. They have the capacity to report to the minister and draw to the attention of the minister problems that they believe exist and need to be remedied. When a report is given to the minister, it cannot just be given to the minister and never see the light of day; the minister has to provide it to this place. They perform a very important accountability and watchdog role. That is unchanged. The composition of the council will always be that it has the breadth of experience and expertise across a range of disciplines to be able to give that advice.

Mr Smyth bemoans the fact that certain capabilities are not required to be there but there must be endeavours for them to be there, that the minister must endeavour to make sure that they are there. Look at the practice, Mr Smyth. Look at the practice over the past decade or more. What has been the practice of governments: I as the minister, my predecessors as ministers? We have maintained the appointment of people with significant fire expertise, significant fire science capability.

Mr Smyth: So why change it?

MR CORBELL: We are not changing that part, Mr Smyth.

Mr Smyth: You are.

MR CORBELL: We are not. It is exactly the same arrangements for those people now as it will be under the new legislation.

Madam Speaker, Mr Smyth is jumping at shadows, but I guess that is what oppositions have to do from time to time.

The provisions in relation to the appointment of chief officer and deputy chief officer or a volunteer member to a position of senior rank—that is, a paid position in the service—and the changes around this are, I believe, sensible.

The chief officer and deputy chief officer are public servants. Their job is to perform their duties professionally to meet their obligations under the Public Sector Management Act and their obligations under the Emergencies Act. The proposed change reflects the fact that it is not for the council to make judgements about the individual person, particularly given that the council is not a selection committee. There has actually been a selection committee process separate from consultation with the council under the current arrangements. The council's job is to ensure that the person being appointed has the relevant experience. This proposed change provides for the council to be consulted and to give its views on what experience and criteria should be applied to ensure that appropriate people are appointed to these important positions. I think that is a reasonable change, because its focus is on the experience needed and on the expertise required, not on the specific individual.

The review of the Emergencies Act concluded that these functions do not exist in similar bodies in other jurisdictions. In particular, in New South Wales, none of the statutory bushfire-related advisory committees—the Bush Fire Coordinating Committee, the Rural Fire Service Advisory Council or the Fire Services Joint Standing Committee—has any statutory role in relation to the appointment of the chief officer or any other member of the New South Wales RFS. I think it is worth making that point. That is the largest rural fire service in the world, and they seem to be able to get it right in terms of the appointment of relevant personnel without their advisory bodies being directly involved in the identity of the person that assumes those positions.

It is, I think, important that the expertise represented on the Bushfire Council informs the criteria—the professional requirements, the professional experience—needed for a person to properly fill and perform those roles. That is what this change is about.

Question put:

> That clause 5 be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Clause 5 agreed to.

Clauses 6 to 10, by leave, taken together and agreed to.

Clause 11.

Question put:

That clause 11 be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Clause 11 agreed to.

Clauses 12 to 14, by leave, taken together and agreed to.

Clause 15.

Question put:

That clause 15 be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Clause 15 agreed to.

Clauses 16 to 45, by leave, taken together and agreed to.

Clause 46.

Question put:

That clause 46 be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Clause 46 agreed to.

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

Bill agreed to.

Independent Competition and Regulatory Commission Amendment Bill 2016

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

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (8.13): The Canberra Liberals will be supporting this bill. The bill amends the ICRC Act 1997 to further prescribe the relationship between the commission and the industries that it regulates. There are five major issues that redefine or clarify the pricing investigation requirements. We all remember the kerfuffle when they were not defined and the commission, when attacked, then produced a five-year path which some objected to. This, I assume, makes sure that does not happen again.

It enables an individual consumer or a group of individuals to seek review of the commission's price direction. It prescribes the grounds for review application. It redefines the role of the industry panels in reviewing pricing directions and specifies cost sharing as well as clarifying requirements on consultation for certain ministerial appointments, all of which seems reasonable. We will support the bill.

MR RATTENBURY (Molonglo) (8.14): The Greens will be supporting this bill today. It comes from a process established after a rather contentious decision that was made by the ICRC on water pricing some years back. This precipitated the Grant review, undertaken in 2014 by Mr Peter Grant, in which a number of recommendations were made about changing some of the processes around how the ICRC operated as well as how reviews of decisions would be undertaken.

The ICRC Act provides the framework in which the ICRC undertakes its regulatory activities. A primary task of the commission is the provision of independent pricing services for regulated services in the territory.

This bill implements in legislation those reforms from the Grant review in which regulated pricing services are delivered by the commission and makes a number of procedural changes, some for improved clarity, such as improving clarity of regulatory periods and what happens when a price direction is not handed down before the end of a pricing period. It also has a number of changes that apply to how reviews of pricing decisions can occur.

The bill allows for an individual consumer or a group of consumers to make an application for a review of a price direction by an industry panel, with each party to the review to bear its own costs, something that was recommended by the Grant review. It includes a new section that outlines the grounds on which a review can be requested. In regards to an industry panel, the bill requires the appointment of any future industry panel to undergo scrutiny by the Assembly.

Madam Speaker, the Greens support these reforms to the processes around the ICRC and are happy to support this bill today as we believe it will avoid some of the problems that have occurred in the past.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (8.16), in reply: I thank members for their support. The bill of course represents the key outcome of the extensive process that has been undertaken to reconsider the administrative and legislative framework in which the regulated pricing services are delivered by the ICRC.

Central to the amendments in the bill are important revisions to the legislative framework that govern applications for review of a price direction handed down by the commission. As members have indicated, the Grant review recommended that significant changes be made to the review regime to ensure a balance is achieved between providing appropriate access to applications for review and the need for reviews to only occur where an applicant can demonstrate serious matters and/or problems within the price direction.

To achieve this outcome, the bill incorporates amendments that would establish a review mechanism under which applications can only be lodged on the basis of a restricted range of potential grounds for review, rather than the current broad basis on which an application can be lodged. To support this revised approach, the bill also incorporates amendments to create a formal preliminary assessment stage within the review process.

These changes will enable an industry panel to better tailor the nature of its review to match the scope and complexity of the issues raised within an application for review. They will also provide an industry panel with the ability to dismiss an application during the early stages of a review process if the panel is not satisfied that there is a strong case for a full review to be undertaken. These amendments will improve the proportionality of the review regime and assist in ensuring that the cost and time needed to complete a review can be minimised.

The other major change to the act contained within this bill is the introduction of an overarching objective clause for the commission for price directions, which outlines that the promotion of economic efficiency is of central importance within price regulation. This objective clause will provide significant guidance to the commission as it strives to achieve an appropriate balance between the range of competing interests and matters that must be considered when determining prices for a regulated service.

In addition to the major amendments to the framework I have outlined, the bill also incorporates a number of minor improvements to the act which, cumulatively, will help ensure improved operation of the overall regulatory framework.

I might add that the bill also contains amendments that were identified during consultation. I would like to take this opportunity to thank all stakeholders for their significant input into the broader processes undertaken to review the pricing framework and the work undertaken to develop this bill. 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.

Lifetime Care and Support (Catastrophic Injuries) Amendment Bill 2016 (No 2)

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

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (8.20): The lifetime care and support amendment bill does a number of things. The lifetime care and support act, I think, has been a good move, and we will be supporting the amendments this evening. The act enables the commissioner to enter into payment agreements with somebody who is a participant in the lifetime care and support scheme and who was injured in the ACT but is now resident overseas. Under the arrangement, they will receive a payment from which they will procure their own services to meet their treatment and care needs, and that seems like a reasonable thing to do.

It provides lifetime care and support coverage for a person who is catastrophically injured in a vehicle owned or operated by the government or a government authority where it has no CTP. The ACT government has a self-insurance regime; hence some vehicles do not have CTP. Again, if that is the case, then those people injured should also have access to the lifetime care and support scheme, and that seems to be a reasonable thing.

It also requires the ACT Insurance Authority to make the required contribution to the lifetime care and support fund to enable this to occur, and that is of course reasonable. This bill appears consistent with the intent of the parent act and does not have any change to material scope, although there is talk of CTP. I was asked if this changed the CTP system. No it does not. I see a wry grin on the Chief Minister's face, because it was about this time in 2012—

Mr Barr: It's still on my list.

MR SMYTH: that we had quite a far-ranging debate on the nature of the CTP scheme—

Mr Barr: You know I'll never give up on it.

MR SMYTH: that went quite long into the night and was somewhat controversial. The Chief Minister has indicated it is still on his wish list. It is not on ours. We would not support any further changes to CTP that would diminish the rights of the insured. That was the position we took in the 2012 election. Our position has not changed. Clearly, the Chief Minister's position has not changed. And this is the position we will take to the 2016 election as well. But that said, we will be supporting the bill this evening.

MR RATTENBURY (Molonglo) (8.22): This bill makes a minor amendment to the lifetime care and support scheme that operates here in the territory. This Assembly first established the scheme in April 2014 to apply to people suffering catastrophic injuries received through a motor vehicle accident. We recently agreed to extend the scheme to cover catastrophic injuries acquired through work accidents. This bill makes some minor adjustments to the scheme. It allows for the scheme to provide lump sum or periodic payments in certain limited circumstances where a scheme participant is residing overseas.

Typically, the scheme does not provide lump sum payments, as they can lead to poorer health outcomes and are subject to the uncertainty of predicting an injured person's lifetime care needs. However, as the Chief Minister has explained in his introductory remarks, there are specific challenges when the injured person resides overseas. For example, coordinating the services between countries can delay the care and treatment of the participant which can potentially result in suboptimal health outcomes. It is appropriate in these rare circumstances to allow for payment flexibility.

The bill also corrects an oversight which would have meant that the lifetime care and support scheme would not have applied to ACT government-owned vehicles. This was because eligibility for the scheme required the vehicle to have compulsory third-party insurance, and the ACT government has in place self-insurance arrangements meaning some of its vehicles will not have a CTP policy. The result would have been that a person catastrophically injured by an ACT government vehicle would not have been eligible for the lifetime care and support scheme and this is clearly an oversight that does need to be corrected.

To conclude, I am happy on behalf of the Greens to support these positive amendments to the lifetime care and support scheme.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (8.24), in reply: This bill furthers the government's efforts to ensure that people who suffer life-changing injures on the roads or at work receive the care that they need. Supporting this bill is supporting better and more efficient services for our community, 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.

Supreme Court Amendment Bill 2016

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) (8.25): The opposition will be supporting this bill. It relates to double jeopardy.

In 2007 the Double Jeopardy COAG Law Reform Working Group presented to COAG its recommendations on double jeopardy law reform, prosecution appeals against acquittals and prosecution appeals against sentence. COAG agreed that jurisdictions would implement the working group's recommendations.

The recommendations included the following: allowing the retrial of an acquitted person where there was fresh and compelling evidence that later became available, for example, DNA; allowing a retrial where an acquittal had been given due to the trial being tainted; and allowing prosecution of an administration of justice offence committed during a trial where such prosecution directly conflicts with the acquittal at that original trial.

The bill amends the rule of double jeopardy in the ACT by providing the following exceptions. A retrial will be allowed where there is fresh and compelling evidence that a previously acquitted person committed a very serious offence, that is, one punishable by life imprisonment. A retrial will be allowed where a trial has been tainted; for example, where a witness has committed perjury or the jury has been interfered with, resulting in an acquittal for a serious offence, that is, one punishable by 15 years or more.

The bill provides a third exception where an administration of justice offence has allegedly occurred during a trial and the accused is acquitted. Currently, the accused

cannot be prosecuted for the administration of justice offence where doing so would conflict directly with the acquittal. The prosecution will now be able to apply to prosecute the accused for an administration of justice offence in that circumstance.

This is a somewhat controversial area of law. There is a range of views on this, and I note them. They have been expressed in the media and we have certainly sought comment from a range of people in the community, including the Law Society, the Victims of Crime Commissioner and the bar.

One of the issues that has arisen is the issue of retrospectivity. It is fair to say that there are mixed views as to whether this should be applied retrospectively or not. It has been in some jurisdictions and not in others. I understand that it will not be in the ACT. I note that the Victims of Crime Commissioner, Mr John Hinchey, said that the government had taken "an extremely conservative approach" to the double jeopardy principle that was "so conservative" that he thought it rendered the reforms meaningless. He said that the most "disturbing and disappointing" aspect of the reforms was that they would not be applied retrospectively, which meant people acquitted of decades-old crimes could not be retried if new and significant evidence emerged. There is a different view from other groups, including, as I understand it, the Law Society and Civil Liberties.

On balance, noting the issue of retrospectivity and the concerns raised by the Victims of Crime Commissioner, we will be supporting this legislation.

MR RATTENBURY (Molonglo) (8.29): Double jeopardy is a key principle in the English common law system, enshrined in law for several hundred years, and it is also explicitly reflected in the ACT in our Human Rights Act.

The double jeopardy principle essentially provides that a person cannot be tried twice for the same offence. Once a person is convicted or acquitted, the double jeopardy principle ensures that they are immune from further prosecution for that offence, or for a different offence covering the same factual elements.

There are several traditional rationales for the doctrine of double jeopardy. It recognises the seriousness of criminal trials and that innocent people should not be imprisoned. Imprisonment of the innocent is more likely if multiple prosecution attempts can be made. The principle recognises the discrepancy in resources between the state and an individual, and that criminal prosecutions could be used as a means of state oppression against individuals. It demands that crimes are investigated efficiently and that trials are run properly, because there is no opportunity for the prosecution to have another go at it.

The principle also supports the finality of court decisions. High Court justices Gummow and Gaudron explained this in the Carroll High Court case. They said:

> Firstly, there is the public interest in concluding litigation through judicial determinations which are final, binding and conclusive. Secondly, there is the need for orders and other solemn acts of the courts (unless set aside or quashed) to be treated as incontrovertibly correct.

In the Ampthill Peerage case, Lord Wilberforce of the House of Lords expanded on this issue and explained a central philosophical foundation of double jeopardy and justice, saying:

> Any determination of disputable fact may, the law recognises, be imperfect: the law aims at providing the best and safest solution compatible with human fallibility and having reached that solution it closes the book. The law knows, and we all know, that some fresh material may be found, which perhaps might lead to a different result, but, in the interest of peace, certainty and security it prevents further inquiry. It is said that in doing this, the law is preferring justice to truth. That may be so: these values cannot always coincide. The law does its best to reduce the gap. But there are cases where the certainty of justice prevails over the possibility of truth … and these are cases where the law insists on finality.

Therefore any derogation from this golden rule of double jeopardy must be done very carefully, minimally and with a very sound rationale, if we consider those historical pronunciations on the matter.

The bill before us today proposes to provide an exception to the double jeopardy principle. It would allow a person who had been previously acquitted to be retried, contrary to the double jeopardy principle, in two circumstances. The first is where there is fresh and compelling evidence that the acquitted person committed an offence punishable by life imprisonment. The second situation is where the person's trial was tainted and, as a result, the person was acquitted. This applies to offences punishable by 15 years imprisonment or more. The bill also allows a person who has previously been acquitted to be prosecuted for an administration of justice offence that is related to the proceeding. This overcomes an obstacle confirmed in the High Court case of Carroll.

The proposals in this bill are similar to changes that have already been made in several other jurisdictions. They are similar to proposals put forward by the Double Jeopardy COAG Law Reform Working Group. Similar exceptions to the double jeopardy rule have also been accepted in other common law jurisdictions such as New Zealand and the United Kingdom. It is fair to say that today in English common law jurisdictions double jeopardy is no longer entirely sacrosanct, and it is recognised that in the interests of justice limited exceptions are permitted.

What the ACT has done, however, is to enshrine some additional safeguards over and above those typically found in other jurisdictions. For example, under the ACT proposal the appeal right is limited to the most serious offences on the ACT statute book—those punishable by life imprisonment. This is not the case in other jurisdictions which allow the possibility of retrial for lesser offences. Here in the ACT we are taking a smaller and more careful step into the arena of double jeopardy reform. I believe that is a sensible approach.

Without going into great detail on the clauses in the bill—that is all set out in the explanatory statement—I accept that the government has put forward a model of double jeopardy reform that contains considerable safeguards. Despite the importance of the double jeopardy principle and the philosophy that underpins it, I think it is reasonable to make minor exceptions. Certainly, I think this approach is well accepted in the general community.

The flipside to the double jeopardy rule, of course, is that there can be exceptional and extreme circumstances where a person should be retried in the interests of justice. Justice is not an esoteric legal principle. It is a concept that encompasses victims' perspectives on justice as well as the community's perspective on justice. The Victims of Crime Commissioner has articulated this in his call for these double jeopardy reforms to go further. One need only look at the community outcry that has occurred in relation to some of the more controversial cases to understand that the community places a high value on ensuring that people who are guilty of crimes receive the appropriate sanction.

The way we respond to criminal justice issues also changes over time as technology and community standards change and evolve. One clear difference today that we did not have when the double jeopardy principle was founded is advanced DNA evidence. Science can now provide conclusive DNA evidence that may implicate a person in crimes, or also acquit them, and the law needs to evolve to deal with that. The law has in fact evolved quite substantially in past decades to deal with changing technology and scientific advancements.

There are real and harrowing examples in Australia where people's common understanding of justice has run into the double jeopardy principle. One example is the Bowraville murders, a case involving the tragic killing of three Aboriginal children. The perpetrator is yet to be brought to justice. The families of the victims of the Bowraville murders have campaigned for many years to retry a suspect who was acquitted in separate trials for two of the murders but has not been tried for the three murders together.

Particularly given the care that the government has taken in presenting this reform, with its numerous safeguards, I accept the proposed changes to double jeopardy laws. But I do want to use this opportunity to emphasise a different but related issue. That is the issue of right to appeal laws. While double jeopardy applies when a person who was found innocent is charged for the second time based on new evidence, right to appeal laws allow a person who has been found guilty of a serious crime to make a new appeal where fresh and compelling evidence emerges that should be examined in the interests of justice.

Put simply, if we are acknowledging that fresh and compelling evidence can be used to condemn someone, we should also acknowledge that it can be used to release someone who is in prison. Ensuring that the innocent are not imprisoned is also a foundational principle of our criminal justice system. Especially as a human rights jurisdiction, the ACT should be adopting best practice to ensure this does not occur. I think we have all seen examples where people have been imprisoned for crimes they did not commit and it has taken tireless work by family, friends and often advocacy groups to bring these cases to light.

I mentioned earlier the value that the community places on ensuring that people who are guilty of crimes receive the appropriate sanction. The community also places a very high value on ensuring that innocent people are not imprisoned. Again, there are prominent cases of innocent people who have been imprisoned, who have lost their liberty and whose lives have been irrevocably changed.

It is an extremely difficult and serious matter for a person in Australia to have their case reopened once they have appealed. Australian courts have taken the view that there is only a legal right to a single appeal after conviction. Following this, a convicted person is left with the right to petition for an inquiry into their situation. This is an unsatisfactory situation for dealing with potential wrongful convictions. It is unlikely, difficult, slow and costly. It happens behind closed doors in the office of the Attorney-General and not in a public forum like the court.

There is a serious question whether this process properly protects the right to a fair trial or provides an adequate process for a person who has been wrongfully convicted to challenge their conviction. The Australian Human Rights Commission, among many others, has expressed the view that the current system is not adequate. It has suggested that the current procedure does not comply with international human rights obligations. As Michael Kirby, the former justice of the High Court, said:

> Justice in such cases is truly blind. The only relief available is from the Executive Government or the media—not from the Australian judiciary.

We should correct this defect. We should enact a simplified pathway whereby a right to appeal begins with an initial judicial hearing of a single judge. There are already similar laws in place in both Tasmania and South Australia. It would be quite simple for the ACT to mimic these laws. While we could possibly improve on their laws, there is also the benefit of cross-jurisdictional consistency if we simply replicate them.

This is an important but relatively minimalist reform in this area. An even more ideal approach would be to nationally establish a body like the one in the United Kingdom called the Criminal Cases Review Commission. This is an independent non-departmental government body with responsibility for investigating alleged miscarriages of justice and referring them to the appeal court for review if appropriate. I think this is best done as a national reform but, in the meantime, there is a simple improvement we can make to our own ACT laws.

Members may have seen in the media today that the Greens have committed to enacting these laws as part of our policies to ensure we have a best practice justice system here in the ACT. I think they make particular sense in the context of introducing double jeopardy reform, and I invite members to consider the issue of right to appeal laws in the coming months. My hope is that we will be able to introduce these laws early in the new Assembly.

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) (8.40), in reply: I thank members for their comments and for their support of this legislation this evening; it is a significant piece of law reform. The Supreme Court Amendment Bill provides discrete exceptions to the rule against double jeopardy. These amendments have been developed after careful consideration by the government and in close consultation with justice stakeholders. The amendments follow a history of double jeopardy reform in almost all other Australian jurisdictions, in the UK and in New Zealand.

In 1996 the UK parliament passed laws to allow for the retrial of an acquitted person where the original trial was tainted. Since that time all other Australian jurisdictions

except the Northern Territory have passed parallel laws and also an exception where there is fresh and compelling evidence of guilt.

The Standing Committee of Attorneys-General referred the issue of double jeopardy to the Model Criminal Code Officers Committee and to consider possible reforms that would mitigate any injustices flowing from a strict operation of the double jeopardy principle. In 2007 the Council of Australian Governments agreed to the Model Criminal Code Officers Committee recommendations. At that time, Victoria and the ACT reserved their positions on them.

The Model Criminal Code Officers Committee report included recommendations to allow retrial following an acquittal where there is fresh and compelling evidence of guilt, where the trial has been tainted by, for example, perjury or interference with a witness, and where a prosecution is sought for an administration of justice offence that calls into question the original acquittal.

While the agreed COAG model and the Model Criminal Code Officers Committee report on which the model is based have been used as a starting point by the ACT in developing this bill, we have adopted for a different approach where that has been appropriate.

The agreed COAG model, for example, provides that the fresh and compelling evidence exception should apply to offences with a maximum penalty of 15 years' imprisonment or more and apply retrospectively. The government has decided to apply this exception only to offences punishable by life and to not apply it retrospectively, that is, it will only be available in relation to acquittals that take place after the commencement of these amendments.

The government sees the threshold of life imprisonment as a way of ensuring that only the most serious offences can be retried following an acquittal. This is appropriate where the law is allowing something as exceptional as the retrial of a person who has previously been acquitted.

The prospective application of the fresh and compelling evidence exception will, for some, be controversial, as would be the decision to apply the exception to past acquittals. There are sound arguments for either approach. The government has decided to apply the exception prospectively. Although application to past acquittals would not strictly have the effect of changing the law before the legislation commences, it nevertheless amounts to a change to the substantive rights of a person based on a past action.

The distinction between the fresh and compelling evidence exception and the tainted trial exception, which does apply to past acquittals, is that in the case of a tainted trial it is clear that a valid trial did not occur in the first instance, and so the trial should happen again. It is much clearer that an injustice has occurred.

In the case of fresh and compelling evidence, the accused is deserving of greater protection as the original trial may have been entirely valid with no intentional interference by anyone and yet compelling evidence that was not available at the time of the trial has subsequently become available.

Such an approach is warranted for an exception to such a longstanding and important rule as the rule against being tried twice, which serves to provide finality for the individual and prevents unceasing pursuit of an accused person by the state. The government has taken care to balance the human rights of an acquitted person with the fact that the double jeopardy rule may operate unfairly in certain circumstances.

To balance these concerns, the bill provides a range of safeguards. These include requiring ACT police to seek the approval of the DPP before investigating an acquitted person, which is the approach recommended by COAG and taken by all Australian jurisdictions, the UK and New Zealand. Investigation that does not directly involve the acquitted person does not require the consent of the DPP. For example, police can interview new or previous witnesses and compare already collected fingerprint or DNA samples with relevant databases without prior approval to do so. Police only require the consent of the DPP for investigations such as arresting or questioning the acquitted person, searching their premises or for any forensic procedure to be carried out on the acquitted person.

The bill also provides an urgency exception where police do not need to get DPP approval if the police officer reasonably believes urgent investigative action is needed to prevent irrevocable prejudice to the investigation and it is not reasonably practicable to obtain the agreement of the DPP before taking action. Clearly, these urgency exceptions would be quite exceptional in themselves.

The bill provides a deliberately high threshold for the prosecution to convince the Court of Appeal that a retrial should be ordered. For both the fresh and compelling evidence exception and the tainted trial exception, the prosecution can only apply for a retrial of the original trial once. The court must be satisfied that it is in the interests of justice to order the retrial, and certain information about the ordering of a retrial cannot be published to avoid prejudice by a jury in a retrial.

The third exception provided by the bill allows a person acquitted of an original offence to be prosecuted for an administration of justice offence which calls into question their original acquittal. In the case of Raymond Carroll, which was appealed to the High Court in 2002, the prosecution had sought to introduce evidence showing that the accused, who had been acquitted of murder, had in fact killed the victim in order to prove that he had committed perjury at the original murder trial. The prosecution sought to prove that the accused lied when he said, "I did not kill the victim." This evidence directly contradicted the finding of not guilty and the acquittal in the original murder trial, and so it was held to be effectively retrying the accused, and as such was prohibited by the law at the time.

The government is of the view that this outcome was and is unjust. The bill addresses this potential injustice in its third exception to the rule of double jeopardy. This exception will only apply to fresh evidence and will not affect an accused person's right to not be compelled to testify against himself or herself.

The United Kingdom has had two successful retrials since providing a fresh and compelling evidence exception in 2003. The first was in 2006 where the Court of Appeal gave consent for William Dunlop, who ultimately pleaded guilty, to be retried

for the murder of a Ms Julie Hogg. In 2010, Mark Weston was retried and convicted for the murder of Ms Vikki Thompson, also on the basis of new DNA evidence.

Future improvements in DNA testing may reveal new evidence in cases that are being tried today. New techniques have been developed in the past decade that extend beyond direct matching including familial searching, mitochondrial DNA profiling, and low copy number DNA analysis, which can lead to obtaining a profile from microscopic samples such as sweat left from a fingerprint. These new techniques have made a significant contribution to the recent investigation of serious crimes.

DNA evidence will not be the only type of fresh and compelling evidence which may justify the use of the exception. A confession by the acquitted person or a witness providing evidence for the first time years later may also constitute fresh and compelling evidence.

It is my hope that the kinds of situations anticipated by this bill do not arise, but if they do, the bill will allow for a retrial in these very exceptional and rare circumstances and will allow for the redress of what would otherwise be a grave injustice.

I will be moving one government amendment to the bill in response to scrutiny committee comments, which I will address later at the detail stage of the debate. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5.

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) (8.49): Pursuant to standing order 182A(c), I seek leave to move my amendments Nos 1 to 3 together, as they are in response to comment made by the scrutiny committee.

Leave granted.

MR CORBELL: I move: amendments Nos 1 to 3 together and table a supplementary explanatory statement to the government amendments [*see schedule 2 at page 2027*].

The bill provides three exceptions to the law of double jeopardy in the ACT. The amendment amends the bill by inserting a new section 68M(3)(a), 68N(4)(a), and 68O(2)(a) of the bill. These new provisions provide that an acquitted person is entitled to appear at the hearing of an application for a retrial made pursuant to section 68M and 68N.

The acquitted person is also entitled to appear at the hearing of an application for a trial made pursuant to section 68O. The new provisions also provide that the acquitted person may be represented by a legal practitioner at the hearing.

Amendments 1 to 3 agreed to.

Clause 5, as amended, agreed to.

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

Bill, as amended, agreed to.

Justice and Community Safety Legislation Amendment Bill 2016

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) (8.52): Madam Assistant Speaker, this bill amends 17 acts and three regulations. The amendments change a range of regulatory reforms to streamline the administrative processes and make compliance easier for the community, business and government. We will be supporting this legislation today.

I will not go through each of the items because that has been done already in the tabling speech—and in the interest of time—other than to say that we have sought comment from stakeholders, including the Law Society and the Bar Association who have made no comments on these. We have been through these matters individually and they appear reasonable. Certainly we do support attempts by the government and JACS staff to make legislation of this sort better. So we will be supporting this legislation.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (8.53): Like other regular justice and community safety bills, this bill makes minor amendments to a range of legislation relating to justice and community safety. I will not discuss all of these changes as the bill amends 20 acts and regulations. They are positive and relatively procedural but I will make some brief comments on a few in particular.

One of the amendments introduced by this bill will introduce a specific offence in the Crimes Act of throwing or directing objects at vehicles. This is a good change and one which I have advocated over several years, particularly as it relates to vulnerable road users such as bicycle riders. Throwing objects at riders is unfortunately a relatively common practice, and many regular cyclists will have a story of being hit or nearly hit by an object thrown from a car. Some of them will have stories of how it caused an incident or a near miss. If you do not know any cyclists, these days with the popularity of helmet cams, a quick internet search will bring up videos of cyclists being subjected to dangerous behaviour.

People who commit this throwing offence ignore the fact that it is an extremely dangerous practice to interfere in this way with someone riding a bike. It may take only one stumble or swerve for there to be death or a serious injury. It is appropriate that this offence is clearly defined in our legislation so that we can deter this dangerous offence as well as suitably prosecute people who commit it.

Articulating the offence in our legislation also sends a clear message. We strive to be a jurisdiction that is open and friendly to people using all forms of transport. In fact, we want to particularly encourage people to use more sustainable and active means of travelling. This offence will complement other amendments we have made in a similar vein, such as specifying that dangerous driving around vulnerable road users is an aggravating factor for that offence.

The offence, of course, also applies to throwing objects at other vehicles, and it would cover a car driver throwing something at another car driver, or pedestrians throwing objects at cars or trucks. For example, people have been known to throw rocks or other items from bridges onto vehicles below. This is all extremely unsafe and criminal behaviour and it is appropriate that our laws recognise it. People need to be able to travel around our city safely.

I also want to mention the amendment that defers commencement of provisions allowing employers to conduct covert surveillance of employees outside the workplace in certain strict circumstances. Although the Assembly only recently passed these changes, I decided that it is sensible to delay their commencement and to conduct a broader review of the civil surveillance space.

There are actually many unresolved issues in this area as well as emerging issues related to new technology. These began to come to light particularly as we began to investigate more broadly while putting together the workplace surveillance changes. Terms of reference have been provided to a consultant to produce an initial issues paper. This will be used as the basis for future public consultation as well as targeted consultation with stakeholders with a direct interest in the conduct of civil surveillance.

The review will consider the following issues: the occurrence and use of surveillance in civil litigation claims in the territory; the extent of existing regulation of surveillance activities, including regulation of surveillance businesses; whether the Listening Devices Act 1992 should be expanded to capture video surveillance and electronic monitoring; the ability of existing legislation to respond to emerging surveillance technologies and practices such as smartphones, fitness trackers, geo-tagging and drones; the possible need for a tort of breach of privacy; and the interaction of provisions regulating surveillance with other ACT legislation, including the Information Privacy Act 2014, the Workplace Privacy Act 2011 and the Human Rights Act 2004. My intention is that the ACT come up with a best practice model for regulating this interesting, and sometimes controversial, and rapidly evolving area of the civil law.

The rest of the matters in the bill, as I said, are important matters that are well explained in the bill and the explanatory statement and I will be pleased to support the bill this evening.

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) (8.57), in reply: The Justice and Community Safety Legislation Bill amends a number of statutes in the Justice and Community Safety portfolio and one in the Health portfolio.

I would like to thank members for their support of these proposals. And I would simply like to draw to the attention of members that I have advised the opposition of my intention to move an amendment at the detail stage of the debate. I will be providing more information at that stage but essentially the amendment will allow the Victims of Crime Commissioner to make a payment to the Public Trustee and Guardian to be held in trust for a child if that is appropriate. With that, I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (8.58): I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government amendment *[see schedule 3 at page 2028]*.

Amendment agreed to.

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

Bill, as amended, agreed to.

Children and Young People Legislation Amendment Bill 2016

Debate resumed from 3 May 2016, on motion by **Dr Bourke**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (8.59): I am pleased to speak today on the Children and Young People Legislation Amendment Bill 2016 which seeks to amend legislation about children and young people. The purpose of the bill is to give effect to further elements of the step up for our kids out of home care strategy released by the ACT

government in January 2015. The aim of the bill is to strengthen decision-making around children and young people in our out of home care system by giving out of home care providers more independence in overseeing care arrangements for children and young people on long-term orders through the delegation of decision-making from the director-general.

As with any legislation of this type, the best interests of the child or young person will remain the paramount consideration. We support the move towards giving out of home care providers greater autonomy in making decisions about children and young people in their care and moving those decisions closer to the child and their carer. We do want to make sure that this delegation of decision-making power about children and young people from the director-general to out of home care providers does not reduce our ability to make sure that the best interests of the child or young person remain the paramount consideration and we need to ensure that there are no unintended detrimental impacts on our vulnerable children and young people. So I am sure that we, along with the government, will be watching the implementation of the bill very closely.

The bill enables the director-general to delegate to an out of home care provider the ability to provide protected information about a young person or adult to the young person or adult. Making it easier for the young person to access information about themselves will hopefully make it easier for them to learn more about their history and develop their sense of identity.

This bill introduces a number of technical amendments, for example to clarify and simplify the time frames for preparing and submitting annual review reports and to change the reporting period for the ACT Children and Young People Death Review Committee annual reporting from financial year to calendar year.

The bill proposes amendments to the Adoption Act 1993 to clarify the interpretation of the act. The amendments clarify the intent to allow a couple, where one party to the adoption is a relative, to be able to adopt a child and no longer requires the principal officer of a private adoption agency to be an ACT resident. We hope that these changes to the Adoption Act 1993 will result in adoption matters being processed more quickly.

In conclusion, the Canberra Liberals will support this bill today and will watch the implementation closely and hope that it continues to ensure the best interests of the child or young person remain the paramount consideration.

MR RATTENBURY (Molonglo) (9.02): I will be speaking briefly in support of this bill, the most recent iteration of the ACT government's ongoing reform of the care and protection system, reforms that are seeking to support parents to retain care of their children safely, reduce the rate of children coming into out of home care and improve the outcomes for those children and young people that are in care.

Madam Speaker, the care and protection system requires a constant cycle of review and improvement. There is little room for complacency in an area of human services that is so complex, so fraught and made up of such vulnerable clients. Around the

country it seems as though it is every five years or so that one or more jurisdictions will embark on a new direction or introduce bold new procedures in an effort to protect children and young people from harm. This constant cycle of review and reform can be crisis driven and in response to a tragedy or a failure of the system or it can be proactive and forward looking or a combination of all of the above.

In the ACT we have had our fair share of tragedy, historically over the past 10 years and more recently, but the step up for our kids initiative seems to have been more in the proactive category of reform, and that is a welcome thing.

Focused primarily on out of home care, foster and kinship care and external service providers, the stated aims of these reforms are to support young people and their carers to have more stable placements, to acknowledge the invaluable insight that carers have into the personal and emotional needs of the young people and the fact that for many young people it is the community service providers that they turn to for care, support and ongoing engagement, not the Community Services Directorate or the ACT government for that matter.

The Greens have long called for increased recognition of the role of carers, be that kinship or professional or paid foster families. We believe that the decisions that affect children and young people must be in their best interests and that children and young people are entitled to express opinions and to have them taken into account by decision-makers, as appropriate for their age and maturity.

But we also believe that children without their family, including those who are unable, for their best interests, to stay in their family, are entitled to care and protection under government supervision. And that is what this bill and these broader reforms seem designed to achieve, a fine balance of rights and obligations for every person and every agency, including the government's statutory services.

In supporting this bill I do not for a second believe that we are not heading into new territory, nor that we will not see further amendments or policy changes in the months or years ahead as the implementation really starts to take hold. But I do see the motivation and intent of the step up for our kids framework as a genuine attempt to change the business as usual paradigm and to positively work towards a community that sees fewer children abused, fewer young people in and out of home care and better long-term outcomes and trajectories for those that do require the protection of the government.

There are two particular points in this bill that I will put on the record that the ACT Greens intend to keep a close eye on. These are the clauses that refer to transition plans and allowing the director-general to delegate to a responsible person the ability to provide protected information about a young person to the young person or adult. On both these issues there can be a highly complex relationship between young people in care and their carers and case managers and, sometimes, very fragile power imbalances.

In 2000 the CREATE Foundation began a process of surveying children and young people in care across Australia on issues and themes relating to their care and

protection, which led to the development of a national report card around legislated transitioning for care plans. The researchers found that factors identified as likely to inhibit a young person's positive transition included multiple changes of carers and workers, unstable accommodation at discharge, inadequate income, lack of preparation for leaving and goal setting, and unresolved anger towards family, workers or the system. It also found a concerning number of young people were leaving care without any plan at all. While this work is now somewhat dated, my office is advised that these issues are still live ones and that there can be a lot of difference in the quality and relevance of leaving care plans.

While I am supportive of the amendments in this bill to support more responsibility for planned development to sit with a carer, it will be essential to revisit this in future to ensure that every young person has had the opportunity to develop a genuine, robust and impartial leaving care plan and that any issues of real or perceived conflict of interest are handled directly and delicately by the government agency that will always retain some supervision and responsibility for those children.

I believe that these same factors and possible concerns also ring true regarding the provision of protected information and will require the same need for ongoing evaluation and review.

It would also be remiss of me not to mention the recent inquiry and reports into family violence in the territory. It is clear that these serious and well-considered reports have shown that government must never stop searching for improvements across a range of agencies in our shared goals of protecting vulnerable Canberrans. The Glanfield report in particular made a series of concerning observations about the care and protection system and the many recommendations that have been considered by the government and that we, as a community, will need to continue to monitor.

Madam Speaker, in closing I would like to acknowledge the openness of the responsible minister's officers and willingness to brief all interested members of the Assembly on these issues and to note Dr Bourke's comments in his tabling speech that some of these changes will take many months to further refine and define before implementation. It is far better to get the balance right and the foundations laid well than to rush off into a brave new world and have unintended consequences. I welcome Dr Bourke's remarks in that regard and I am pleased to support the bill this evening.

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) (9.08), in reply: Madam Speaker, as Minister for Children and Young People I am pleased to talk to the Assembly about the proposed amendments in the Children and Young People Legislation Amendment Bill 2016 being debated this evening. The purpose of this bill is to enact the final set of legislative changes needed to give full effect to important elements of a step up for our kids. This follows on from the previous three amendments to the Children and Young People Act 2008 passed in 2015.

The amendments go to the intent of a step up for our kids to ensure that children and young people are placed at the centre of decision-making and the focus is on their best

interests. We want to make sure that children and young people have every chance to grow and develop in supportive, loving, safe, stable homes. Every child deserves the best opportunity to experience a happy, normal childhood.

This bill contains seven clauses for amendments to the Children and Young People Act 2008 and three clauses for amendments to the Adoption Act 1993.

The first three clauses support decision-making closer to the child by allowing the director-general to delegate a number of functions to the responsible person for an approved kinship and foster care organisation, including the delegation of parental responsibility and the ability for the responsible person to sub-delegate aspects of parental responsibility to approved foster and kinship carers, and the delegation of the power to make decisions about the placement of children and young people with an out of home carer.

This bill also seeks to simplify processes and reduce red tape by allowing the delegation to prepare, consult on and review transition plans from the director-general to the responsible person for an approved kinship and foster care organisation or a residential care service. A further two clauses support minor policy changes enabling young people to have access to protected information and personal items.

Under a step up for our kids we are implementing a number of changes that provide better support for young people as they transition to adulthood. In support of this, I propose to enact changes to allow the director-general to delegate to the responsible person of an approved foster and kinship care organisation the responsibility to provide protected information about a young person to the young person, and entitle young people or young adults who have left care to access personal items held by an approved kinship and foster care organisation.

The next two clauses support technical amendments that streamline processes. These are technical in nature, do not alter policy or processes and will clarify and simplify the clause outlining the time frames for preparing and submitting annual review reports. This is a technical amendment, and the 12-month time frame is not to be amended. And there is a change to the reporting period for the ACT Children and Young People Death Review Committee annual report, from the financial year to a calendar year.

The following three clauses of amendments to the Adoption Act 1993 would clarify the interpretation of the act, thereby supporting pathways to permanency.

I propose to omit reference to instrument of consent from sections 15A, 16A and 17A, as the use of this language is redundant and creates possible ambiguity in the meaning of the sections. Secondly, I propose to clarify additional requirements for the adoption of a child or young person specifically where an order is to be made in favour of a step-parent, relative or two people jointly. And third, I propose to remove the requirement for the principal officer of a private adoption agency to be an ACT resident. These amendments are minor and technical in nature and will improve the clarity of adoption applications being considered by the Family Court. This will prevent any delays in the adoption process related to ambiguous language in the act.

New services under a step up for our kids will see a greater share of responsibility for children and young people in care transferred to the responsible person of approved foster and kinship care organisations. The delegation of responsibilities will give organisations greater autonomy in providing care, giving vulnerable children and young people the most stable, productive lives possible. This will also result in a reduction in the three-way relationship between children and youth protection services, kinship and foster care providers and carers.

This was a key issue identified through the consultation with stakeholders in the development of a step up for our kids. While these amendments will enable delegation of decision-making for children and young people in care, they only come into effect once a deed of delegation is agreed. This instrument will specify responsibilities, powers and any limitations. I would like to highlight that this change will not be enacted for another 12 to 18 months. This will allow time for the sector to mature and expand and for an accountability framework to be established.

We recognise the importance of promoting the best interests of a child or young person in out of home care and ensuring the integrity of the care system. The best interests of the child are paramount and the whole system focuses on better outcomes for children and young people and working in partnership for organisations to achieve that priority.

The Standing Committee on Justice and Community Safety in its legislative scrutiny role has considered this bill and found that it upheld protection of the rights of children and young people consistent with the Human Rights Act 2004. I would like to assure the Assembly of the primacy of the rights of the child and how the safety and wellbeing of children and young people in the ACT is upheld and indeed strengthened under a step up for our kids.

I would like to talk about the elements of this today, to explain how this work will prepare the sector to share additional out of home care responsibilities proposed under this bill. Throughout 2015 and 2016, we have focused on establishing and strengthening the high-risk families and continuum of care domains of a step up for our kids. Our focus will now be on developing additional safeguards to enhance oversight and transparency through the strengthening accountability and ensuring a high functioning care system domain. This program of work will sit within an accountability framework and comprise the following key elements.

There will be improved regulation of oversight. Through legislative arrangement amendments made in 2015 to the Children and Young People Act 2008, the Human Services Registrar provides independent assessment and monitoring of ongoing suitability of organisations approved for care and protection purposes. In addition, from 1 July 2016 the ACT out of home care standards come into effect.

There will be new governance arrangements. Joint governance arrangements will see the government and non-government sectors work in partnership to oversee the establishment of an effective, high quality service system under a step up for our kids. This will include the transfer of knowledge and capacity to a non-government

workforce and the development of a mature accountability environment within the community sector. Joint governance arrangements will also monitor and evaluate outcomes for children and young people sought under a step up for our kids. In addition, the children and youth services council will continue to provide independent advice to me as Minister for Children and Young People on the implementation of a step up for our kids.

Thirdly, there will be improved contracting arrangements. Performance-based contracts will include key measures and incentives to promote achievement of targets by service providers. There will be a renewed focus on quality improvement and sector learning in addition to strengthened contract and relationship management.

A number of new services are being established under a step up for our kids which play an important role in providing mechanisms that are independent of both government and non-government out of home care service providers. These services include the birth family advocacy support service, which provides birth parents with the tools and knowledge to effectively engage with the statutory system and empower them to participate in care and protection processes. There is the advocacy support service for foster and kinship carers, which will provide independent advocacy services to kinship and foster carers experiencing difficulty in their caring role; this service will also support and empower carers in resolving issues with service providers and Child and Youth Protection Services. The child and young people engagement support service will provide an independent engagement and support service to children and young people with care experience and aims to inform and empower them to participate in all areas of their lives. Whilst this is not an advocacy service, it will align and work with existing advocacy service providers in the ACT.

We are undertaking work to develop the capacity and capability of the sector, both government and non-government, to protect the integrity of the service system and to ensure that the sector can adequately support the increased level of responsibility held by approved kinship and foster care organisations.

It is important to note that while certain powers will be delegated, the director-general retains ultimate responsibility and accountability for children and young people in care. The amendments that I have outlined in the bill today are the final set of legislative changes required under a step up for our kids and are an essential part of achieving better long-term outcomes for our community's most vulnerable children and young people. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ACT Audit Office—independent auditor
Statement by Speaker

MADAM SPEAKER: Before I call the minister, I have a couple of matters to deal with. Pursuant to section 31 of the Auditor-General Act 1996 I have, on behalf of the territory, engaged an appropriately qualified person to be the independent auditor of the ACT Audit Office. This appointment was made under a services agreement, which requires the independent auditor to conduct an independent financial audit of the Auditor-General and to exercise functions that are required under the Financial Management Act 1996.

The independent auditor is Charterpoint Pty Ltd, a local business services firm. The firm has extensive auditing experience involving a wide range of commonwealth government departments and agencies as well as private sector profit and not-for-profit organisations. The appointment was made following a competitive selection process and after consultation with the Deputy Speaker.

In a moment I will present formally a copy of the services agreement I have entered into today on behalf of the territory with Charterpoint. I am doing so because there is no other mechanism for me to have such an agreement placed on the public record, as it does not fit the procurement guidelines for posting on their website.

I would like to place on the record my appreciation to the previous independent auditor, PKF Di Bartolo Diamond & Mihailaros. In following the procurement process for the new auditor and in consultation with the Deputy Speaker, I decided not to invite PKF to submit a quotation because they had undertaken the independent audit role for almost a decade.

In making that decision, there was no suggestion that PKF had not performed its role in anything other than an exemplary manner. However, as a general matter of principle, periodically seeking to vary the provider of these particular services has the potential to maintain the Assembly's confidence in the independence of the function.

Having said that, there was some difficulty in finding a suitable replacement only because many of the eligible local firms either have or have had an involvement with the Audit Office and so could have had an actual or perceived conflict of interest. The due diligence required in the procurement process having been undertaken, I am satisfied that Charterpoint has no actual or perceived conflict of interest.

The Assembly's Director of Governance and Communications, Mr David Skinner, has taken the lead in this process and I thank him for his professional and pragmatic approach. Members, I present the following paper:

> Independent Auditor of the Auditor-General—Appointment—Copy of Services Agreement between the Australian Capital Territory and Charterpoint Pty Ltd, dated 9 June 2016.

Mr Neal Baudinette—retirement
Statement by Speaker

MADAM SPEAKER: Members, you will be aware of the impending retirement from the Assembly of the Education Officer, Mr Neal Baudinette. Neal will be leaving the Assembly at the end of the month and this is the last opportunity I have to say a few words and put them on the record.

Neal will be leaving after 36 years of public service to the ACT. Neal started his public service career in 1978 as a teacher at the Cranleigh Special School in Belconnen, where he taught students with a disability. For the past 9½ years, the Assembly has been lucky to draw on Neal's passion and drive to deliver the education programs for the Assembly. His career has been rich and varied and his diversity of experience, along with his capacity to place people at the centre of all he does, has made his time at the Assembly both very productive and meaningful.

During his time in the ACT public service, Neal has also worked at the Canberra Hospital and at the Canberra Institute of Technology, where he served in a number of different roles, including marketing manager, teacher in adult basic education and as a workplace communications consultant.

Neal embodies all the best attributes of public service. He has served without fear or favour. He absolutely believes in what he is doing and in the broader notion of the public good. He knows that democratic participation is essential to a thriving, engaged community. He knows that democracy works best when people are involved to the greatest extent possible.

It has been part of Neal's job for almost a decade to encourage and educate the Canberra community, people from all walks of life and all ages, about how they are governed and how they can become involved. It is the job that he has done with dedication and commitment.

One of Neal's primary responsibilities as Education Officer has been managing the delivery of a range of different visitor programs here at the Assembly. Through these programs, which cater for schools, students, community groups, new citizens, public servants and the general community, Neal has welcomed approximately 18,000 people through the doors of the building.

Through this and other elements of the education program, Neal has helped bring alive the particular form of democracy that we enjoy here in the ACT. He has worked tirelessly with members, their staff, OLA staff, education authorities, Elections ACT, the Museum of Australian Democracy, schools, community groups and the local tertiary education institutions.

I have worked quite closely with Neal over the almost four years that I have been Speaker. On my behalf as Speaker, Neal has arranged receptions for new citizens to welcome them to the ACT and to introduce them to the work of their Assembly. He has also been pivotal in the program of Speaker receptions for community groups, which I introduced in 2013.

He has also worked closely with me in my role as Chair of the Legislative Assembly Art Advisory Committee. I know that his contribution to the work of that committee and the effort he put into looking after the art collection has been very highly regarded by me, by former speakers, by MLAs and by all the various members of the art community that have been involved over the years.

Not the least of those groups, of course, are the artists themselves, whose works Neal knows backwards. He is an invaluable guide for our art tours of the building. The art collection has kept Neal quite busy over recent months because of building renovations. All the artworks have been safely removed and stored while the building works were underway. We regret that he is retiring before it is time to bring them out again.

In addition to all the contributions that a person makes during a long and varied career, Neal's work here will be remembered for how much he cares passionately about the people around him. He has an immense sense of kindness and a desire to be helpful. He will often go beyond the call of duty to help out, whether it is agreeing to host a group after hours or simply being there to support his colleagues in their efforts.

In addition to all his other duties, Neal has always found time to take on extra roles where he can provide support to those working with him. In a previous workplace, at the Canberra Hospital, he was an EEO adviser and here in the Assembly he has been the contact officer for respect, equity and diversity matters.

On behalf of all members, their staff and the office, I thank Neal sincerely for his contribution to the territory over the course of his career and to this place in particular. Neal, we wish you all the best and our loss, I am sure, will be your family's gain.

Adjournment

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

> That the Assembly do now adjourn.

Bosom Buddies

MR DOSZPOT (Molonglo) (9.26): Last Friday night, I had the pleasure of hosting my annual charity trivia fundraiser and the nominated charity was Bosom Buddies, an organisation of volunteers who provide personal support to breast cancer patients and their families and supporters here in the ACT. The president of Bosom Buddies, Shelley Atkins, spoke on the evening about the role that she and the many volunteers of Bosom Buddies play in our community.

She said:

> Breast cancer can affect anyone, and probably everyone in the room knows someone who has experienced it, whether it is a family member, friend, neighbour or work colleague.

She added:

> Tonight's trivia night is a demonstration of the community rallying to support people who need a helping hand. We have many people to thank: The Hellenic Club for their generous hospitality, local businesses and community groups, individuals, our members and our wonderful supporters who have donated all the prizes, raffle and auction items—and we offer a special thanks to you, our guests, whose support we deeply appreciate.

Over 340 people attended on the night and, through their generosity, the night was another great financial success, as well as a competitive but, I am told, enjoyable trivia quiz night. Thanks must go to Ian Meikle, editor of *Canberra CityNews*, who stepped in at short notice to fill in for our regular MC of the past few years, Greg Bayliss from ABC Radio 666. And this year we included a live musical round thanks to George Huitker and Junk Sculpture, who are a highly energetic local Canberra band. They were very popular on the night and we thank them for their participation.

Gai Brodtmann MP and Jeremy Hanson have both been Bosom Buddies ACT ambassadors since 2011; Gai was unable to be there on the night but generously donated a raffle prize, while Jeremy Hanson hosted his own table. The live auctions were conducted by auctioneer Daniel Pollock from the Independent Property Group. The Independent Property Group are also a major donor to Bosom Buddies.

I need to thank the working volunteers on the night, from the Bosom Buddies management committee first off: Shelley Atkins, president; Stephanie Norris, secretary; Jess Pateman, treasurer; Lyn Brown, public officer; Kareen Tait, office manager.

I also thank all the other Bosom Buddies volunteers on the night: Theresa Kerby, Larissa Sinclair, Cheryl Tandy, Sharon Johns, Judith Rowe, Tracey McDonald and Spud Tait. I also give special thanks to last year's charity, Alzheimer's ACT, who had shared their knowledge and experience with Bosom Buddies this year and also helped out on the night.

President of Alzheimer's ACT, Greg Fraser, and two of the ACT Alzheimer's staff, Michael Wootton and Eileen McEntee, also helped out very much to ensure that the event was a success. Greg Fraser's wife Molly was also there to help out. I would also like to give a special mention and thanks to my wife Maureen, daughter Amy and grandchildren Isabella, Noah and Kasia for their contributions to these charity fundraisers over the years.

The winning table on the night was captained by Paul Chamberlain and Emma McDonald, and Chris Mac from 2CC. While the evening is never a political event, I do appreciate the support of the many Assembly colleagues: the Leader of the Opposition Jeremy Hanson MLA, the Speaker Vicky Dunne MLA, Brendan Smith MLA and Andrew Wall MLA, who all hosted tables on the night.

Also our thanks to the many business who supported this fundraiser for Bosom Buddies: Gallagher Wines, Rodney's plants, Dendy Cinemas, Southern Cross Health

Club, Capital Chemist, Capital Hotel Group, Brumbies, National Portrait Gallery, Creations, Independent Property Group, National Gallery of Australia, the Royal Australian Mint, Escala, BWS, Hotel Realm, Caphs, National Museum of Australia, Bentham Street Bar n' Pizza, the Raiders, Kwik Kopy, Westfield, Tilley's, Banana Leaf, Rustics, London Grill, Robinson+McGuinness Family Law, Hoyts, Hyperdome and Yarralumla Post Office and Flowers.

All in all, Madam Speaker, it was an enjoyable night with lots of contributions from many sections of the community. There was a lot of fun but it was all for a very good and serious cause that was hopefully helped greatly by the financial contributions made by all attendees.

Question resolved in the affirmative.

The Assembly adjourned at 9.32 pm until Tuesday, 2 August 2016 at 10 am.

Schedules of amendments

Schedule 1

Mental Health Amendment Bill 2016

Amendments moved by Mrs Jones

1
Clause 16
Proposed new section 65 (5) (b)
Page 7, line 15—

after

writing

insert

within 48 hours

2
Clause 17
Proposed new section 73 (5) (b)
Page 7, line 20—

after

writing

insert

within 48 hours

3
Clause 20
Proposed new section 83 (2) (aa)
Page 8, line 9—

after

writing

insert

within 48 hours

4
Clause 44
Proposed new section 114 (5) (b)
Page 17, line 14—

after

writing

insert

within 48 hours

Schedule 2

Supreme Court Amendment Bill 2016

Amendments moved by the Attorney-General

1
Clause 5
Proposed new section 68M (3A)
Page 7, line 14—

insert

(3A) The acquitted person is entitled to appear at the hearing of an application under this section and may be represented by a legal practitioner.

2
Clause 5
Proposed new section 68N (4A)
Page 8, line 12—

insert

(4A) The acquitted person is entitled to appear at the hearing of an application under this section and may be represented by a legal practitioner.

3
Clause 5
Proposed new section 68O (2A)
Page 8, line 30—

insert

(2A) The acquitted person is entitled to appear at the hearing of an application under this section and may be represented by a legal practitioner.

Schedule 3

Justice and Community Safety Legislation Amendment Bill 2016

Amendment moved by the Attorney-General

1
Schedule 1
Proposed new part 1.20A
Page 20, line 6—

insert

Part 1.20A Victims of Crime (Financial Assistance) Act 2016

[1.41A] New section 48 (d)

insert

(d) if the applicant is a child—as a payment to the public trustee and guardian to be held on trust for the applicant.

[1.41B] Dictionary, note 2

insert

- child
- public trustee and guardian

Answers to questions

Planning—lease variations (Question No 684)

Mr Coe asked the Minister for Urban Renewal, upon notice, on 9 March 2016 *(redirected to the Minister for Planning and Land Management)*:

For each year since 2012 2013, broken down by (a) month and (b) suburb, (i) how many Development Applications were lodged for lease variations and (ii) what was the total amount paid in lease variation charges.

Mr Gentleman: The answer to the member's question is as follows:

The requested information is provided at Attachment 1 and Attachment 2.

The amount of Lease Variation Charge paid per month is unrelated to development applications lodged during that month.

Development applications lodged but withdrawn prior to approval are omitted.

Where a development application was lodged but subsequently refused, this has been noted.

The attachments have been compiled from several data sources.

(Copies of the attachments are available at the Chamber Support Office).

Planning—secure mental health unit (Question No 707)

Mrs Jones asked the Minister for Health, upon notice, on 6 April 2016 *(redirected to the Minister for Urban Renewal)*:

Further to the answer to Question No 623 which stated that the Justice and Community Safety Directorate previously had ownership of the parcel of land on which the Secure Mental Health Unit (SMHU) is being built, and the direct land transfer was approved by the Minister for Environment on 10 December 2013, (a) what criteria must be met in order for a direct land transfer to take place, (b) what is the process or policy surrounding ACT Government direct land transfers, (c) what is the definition of the term, "direct land transfer", (d) does a direct land transfer also include the transfer of the name on the title deed and (e) what other changes occur as a result of such a transfer.

Mr Barr: The answer to the member's question is as follows:

The term "direct land transfer" is not used in ACT statute.

All Executive leases are granted in the name of the Australian Capital Territory with the registered address being care of the relevant directorate. In the case of the SMHU the Health Directorate is the nominated directorate.

Following the grant of an Executive lease the custodian map is updated to reflect the change in custodianship.

Housing—construction (Question No 711) (Revised answer)

Ms Lawder asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Urban Renewal)*:

Was block 2 section 28 in East Greenway filled using material excavated in the creation of Lake Tuggeranong; if so, is that a suitable and safe base on which to build multi-storey medium density housing.

Mr Barr: The answer to the member's question is as follows:

(1) Assessments by Coffey Geotechnics Pty Ltd, commissioned by CMTEDD in February 2015, found that filling was not evident across the majority of the site. These investigations did not indicate the presence of 'dredged' materials from the adjacent Lake Tuggeranong.

The Environment Protection Authority reviewed both assessments in March 2015 and supported the consultant's findings that the site is suitable for a proposed residential land use.

Transport Canberra—subunits (Question No 717)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 7 April 2016 *(redirected to the Minister for Planning and Land Management)*:

(1) What subunits from EPD will be transferred in (a) full to Transport Canberra, (b) part to Transport Canberra, (c) full to the Conservation Agency and (d) part to the Conservation Agency.

(2) What subunits will remain in EPD following the formation of Transport Canberra and the Conservation Agency.

Mr Gentleman: The answer to the member's question is as follows:

1. None.

2. All.

Transport Canberra—subunits (Question No 718)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 7 April 2016:

(1) What subunits from TAMS will be transferred in (a) full to Transport Canberra, (b) part to Transport Canberra, (c) full to the Conservation Agency and (d) part to the Conservation Agency.

(2) What subunits will remain in TAMS following the formation of Transport Canberra and the Conservation Agency.

Ms Fitzharris: The answer to the member's question is as follows:

The specific personnel and team arrangements for the new agency are being finalised, and a public announcement will be made in due course.

Trade unions—memorandum of understanding (Question No 721)

Mr Hanson asked the Chief Minister, upon notice, on 7 April 2016 *(redirected to the Minister for Economic Development)*:

(1) Concerning the MOU signed between the Chief Minister and UnionsACT on 26 March 2015, on how many occasions/contracts has ACT Government or its agencies consulted with UnionsACT on (a) prequalification arrangements, (b) standardised contract terms, (c) the process associated with the assessment of tenders and (d) the process associated with prequalification.

(2) What was the result of the consultations in part (1).

Mr Barr: The answer to the member's question is as follows:

(1) Since the MOU was signed on 26 March 2015, the ACT Government or its agencies had as of 7 April 2016:

(a) provided UnionsACT with lists of applicants for prequalification on twenty-seven occasions;

(b) met with UnionsACT on four occasions to discuss issues related to implementation of the MOU, as well as to explain to the unions the Government's proposed adoption of Total Facilities Management contracts;

(c) held no consultations with UnionsACT in relation to tender assessment process; and

(d) held no consultations with UnionsACT in relation to prequalification processes.

(2) Consultations have resulted in agreement to hold ongoing discussions and further develop shared understanding in relation to implementation of the MOU. Consultations in relation to Total Facilities Management also led to UnionsACT being provided with copies of Industrial Relations and Employment provisions of the proposed Total Facilities Management contract, for information.

The provision of lists of candidates for prequalification and tenderers for ACT Government contracts has not affected the outcomes of any processes.

Westside container village—businesses (Question No 729)

Mr Smyth asked the Minister for Planning and Land Management, upon notice, on 7 April 2016 *(redirected to the Minister for Urban Renewal)*:

(1) How many independent businesses are operating in the Westside Acton Park container village.

(2) What was the number of businesses operating in the village at its inception.

(3) What factors have prompted the need for "reactivation" as recently reported in *The Canberra Times*.

(4) What measures does the Government intend to take to address the concerns alluded to in *The Canberra Times*.

Mr Barr: The answer to the member's question is as follows:

(1) 11 businesses are currently operating at Westside Acton Park.

(2) 8 businesses were operating at the time of inception.

(3) With the engagement of the Property Management Team, Damsel and Sprout, there has been an increase in vendors and in the variety of offerings now available at Westside Acton Park. This, combined with an increase of events planned for the next 12 months, has meant that a further activation of the site was appropriate to promote public awareness of the amenities the site has to offer. This has resulted in increased community attendance at Westside Acton Park.

(4) The Sunday markets, reported in the Canberra Times on 3 April 2016, is one of many events planned for 2016 to promote West Basin as a vibrant urban space for the community to enjoy. The engagement of Damsel and Sprout as the venue manager has provided for the establishment of a program of events that will draw visitors to West Basin, showcasing local businesses and artists. There is a steady increase in attendance at Westside. This has been evidenced during the CBR hottest 100 Beach Party, the National Capital Jam, Art Not Apart Festival and colour run participants and families enjoying the benefits of the attraction. In addition to this there is increased confidence in the venue with a greater number of vendors and stalls wanting to participate.

Planning—community group site allocations (Question No 731)

Mrs Jones asked the Minister for Planning and Land Management, upon notice, on 7 April 2016 *(redirected to the Minister for Urban Renewal)*:

(1) How many sites in the ACT have been identified for use for community groups.

(2) What consideration, assessment and planning has been given to the allocation of land for community group use in (a) the Weston Group Centre master plan, (b) the Woden and Mawson master plans, (c) the Kambah group centre master plan, (d) the Curtin group centre master plan and (e) Molonglo Valley planning.

(3) What are the criteria for allocating land sites to community groups in the decision process.

(4) What is the process of prioritising land sites for community group use in future master plans.

Mr Barr: The answer to the member's question is as follows:

(1) The ACT has 780 community facility zoned blocks of land totalling 1,190 hectares. Of those blocks 478 are leased totalling 1,150 hectares. The 2015-2016 land released program includes 57,000 m^2 of community facility zoned land. An additional 54,000 m^2 is scheduled for 2016-17, 50,000 m^2 in 2017-18 and 40,500m^2 in 2018-19.

(2) Master plans provide an opportunity to assess the existing and future demand for a range of land uses, including land available for community groups. Each of these master plans includes background studies and community engagement with local community groups. These master plans identify strategies to renew existing community facilities and, where appropriate, identify new sites for community uses that are suitable for a diverse range of community groups.

In relation to each specific master plan:

a) The Weston Group Centre Master Plan identified strategies to renew existing community uses in the centre through a proposed retail expansion of Cooleman Court. The master plan also identified a new site for community facilities in the centre, close to Parkinson Street.

b) The Woden Town Centre and Mawson Group Centre Master Plans make recommendations to provide new land for community uses in highly accessible locations, close to public transport and along main pedestrian and cycle routes. New development sites are identified on Callam Street and along the Athllon Drive corridor. These sites are suitable for a diverse range of land uses and include a new site for community facility land that is adjacent to the town centre bus interchange.

c) The Kambah Group Centre Master Plan identified that the centre itself plays a relatively small role in the provision of community facilities when compared to other group centres in the ACT. However, the master plan recommended several new development opportunities in and close to the centre that provide the opportunity for new spaces for community groups.

d) The Curtin Group Centre Draft Master Plan identified the opportunity for new community facilities to be developed on vacant land at the corner of Theodore and Carruthers Streets. The final master plan is currently being prepared following phase two community engagement on the draft master plan earlier this year. The final master plan will incorporate feedback from the community and key stakeholders.

(3) The criteria are set out in the *Planning and Development Act 2007*(Act) and *Planning and Development Regulations 2008* (Regulations).

(4) See response to (2) above.

This answer is identical to one I approved on 31 May and which was provided to Chamber Support on the morning of 7 June 2016. This is being resubmitted with today's date, as directed by Chamber Support.

Schools—seclusion spaces (Question No 732)

Mr Doszpot asked the Minister for Education, upon notice, on 2 May 2016:

(1) How many public schools in the ACT currently have enclosures that can be used to prevent autistic students from wandering or absconding.

(2) How many students spent time in these enclosures in 2015 and how much time did students with disability spend in these enclosures.

(3) How are these enclosures, referred to as "adjustments" that schools make for students with special needs, described in the data that the ACT gave to the Nationally Consistent Collection of Data on School Students with Disability in 2015.

(4) How many enclosures were used to house autistic students for other purposes such as behavioural management and were these educational adjustments reported to the Nationally Consistent Collection of Data on School Students with Disability in 2015.

(5) What data did ACT Education give the Nationally Consistent Collection of Data on School Students with Disability about the blue "sanctuary" that received international attention.

(6) What information will be provided for parents from the Nationally Consistent Collection of Data on School Students with Disability and when will it be available to parents.

(7) Is preparing an ILP (or IED) for an autistic student that involves changes/modifications/omissions to/from regular curriculum an "adjustment"; if so, how many autistic students in the ACT have an ILP/IEP that does not include the regular curriculum for students of the same age.

(8) How is this reported to the Nationally Consistent Collection of Data on School Students with Disability.

Mr Rattenbury: The answer to the member's question is as follows:

(1) ACT public schools use a variety of enclosed spaces to ensure the safety of all students. These include school perimeter fences, enclosed playgrounds, and enclosed courtyard spaces. Learning Support Units have different forms of play spaces and enclosed spaces and not all units have an enclosed space attached to the classroom. A list of units in schools is located at **Attachment A**.

(2) Schools use outdoor spaces, including enclosed spaces, for a range of reasons including playtime, sport, as an outdoor learning environment and for quiet spaces. All students access these spaces and schools do not record the time or types of use.

(3) The Nationally Consistent Collection of Data is an annual collection that counts the number of school students with disability and the level of reasonable educational adjustment they are provided with. The data identifies the student's broad type of disability, located at **Attachment B** and the student's level of adjustment, located at **Attachment C**. It does not identify specific adjustments and as such are not referenced in the data collection. It is also important to note that providing a safe environment could be a reasonable adjustment in all categories.

(4) As per previous question, the NCCD collects the level of adjustment required not specific adjustment.

(5) As per previous question, the NCCD collects the level of adjustment required not specific adjustment.

(6) The Commonwealth Government is responsible for the preparation and release of the report on NCCD data. Parent will have access to the national report when released and can access further information about the data set at https://www.education.gov.au/what-nationally-consistent-collection-data-school-students-disability.

(7) All students accessing disability education programs have an Individual Learning Plan (ILP). An ILP is a collaborative process between the school, family, students (where possible) and other professionals that identify adjustments required for the student to access, participate and engage in the learning environment. An ILP is not curriculum.

All students in the ACT have access to the Australian Curriculum (AC). The AC provides teachers with flexibility to cater for student diversity, including students with autism, through personalised learning. Students may work at, below or above age level in different curriculum areas based on their individual need. Such adjustments are not recorded or reported, as they are considered part of usual teaching practice.

(8) ILPs are not reported to the NCCD. Refer to question 3 for NCCD reporting requirements.

(Copies of the attachments are available at the Chamber Support Office).

Multiculturalism—grants to community groups (Question No 740)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

(1) How much money has been provided to multicultural groups in the last 12 months (excluding monies granted as part of the ACT Multicultural Grants Program, ACT Multicultural Community Language Grants Program and ACT Multicultural Radio Grants Program).

(2) Which (a) Muslim community groups, (b) Christian groups, (c) Jewish groups and (d) Buddhist groups received money.

(3) Did any other community group receive money which was not part of the Multicultural, Language or Radio Grants' Programs; if so, (a) how much did they receive and (b) what was the purpose of the money given to each group.

Ms Berry: The answer to the member's question is as follows:

(1) The following multicultural groups received money in the last 12 months:

No	Organisations	Amount
1	Canberra Multicultural Community forum	$16,205.00
2	Migrant and Refugee Settlement Services of the ACT	$54,345.07
3	ACT Multicultural Youth Services	$30,460.01
4	AC T Community Language Schools Association	$76,365.37
5	Canberra Islamic Centre	$4,545.00

(2) This information is not known. We do not ask the above funding recipients to provide this information.

(3) Volunteering and Contact ACT received $3,700.00 for participation in the 2016 National Multicultural Festival.

Multiculturalism—grants to community groups (Question No 741)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

(1) How many applications were lodged for the Participation (Multicultural) Grants Program for 2015-2016.

(2) How much money was given to (a) Muslim, (b) Christian, (c) Jewish and (d) Buddhist groups.

(3) How does the Minister and the Directorate ensure that money granted to a group is used to achieve what was outlined in its application request.

Ms Berry: The answer to the member's question is as follows:

(1) 144 applications were lodged for the Participation (Multicultural) Grants Program for 2015-2016.

(2) We do not ask for this information and therefore not able to provide the information.

(3) There is an acquittal process that is managed by the Contracts and Grants Unit of the Community Services Directorate to ensure that money granted is used to achieve what was outlined in the application.

Multiculturalism—grants to community groups (Question No 742)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

(1) How many members are on the board/committee which oversees and decides on the applications for the Participation (Multicultural) Grants Program.

(2) Do any of these members of this board/committee have employment in any other ACT Government Directorate; if so, (a) how many members and (b) which directorate are they employed in.

(3) Does the Minister have the authority or discretion to overrule a decision by the majority of this board/committee in relation to approving or declining a grant application; if so, under what circumstances can this authority or discretion be used.

Ms Berry: The answer to the member's question is as follows:

(1) There are three members on the Assessment Panel for the Participation (Multicultural) Grants Program.

(2) None of the panel members are employed by any ACT Government Directorates.

(3) In the normal course of business the approval of the grants fall within the financial delegation held by the Director of the Community Participation Group of the Community Services Directorate and the Minister for Multicultural and Youth Affairs is advised of the recommendations. To date the Minister has not expressed a view or sought to change any recommendations made by the Assessment Panel.

Immigration—citizenship ceremonies (Question No 743)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

What was the cost of the citizenship ceremonies held on (a) Thursday, 10 December 2015, (b) Tuesday, 28 July 2015 and (c) Thursday, 5 February 2015 broken down by (i) venue hire, (ii) catering, (iii) equipment hire, (iv) staff costs and (v) any other costs.

Ms Berry: The answer to the member's question is as follows:

(a) The cost of the citizenship ceremonies held on Thursday, 10 December 2015 was $4,515.51 in total comprising of:

(i)	Theo Notaras venue hire:	nil
(ii)	catering:	$1,600.00
(iii)	equipment hire:	nil

(iv)	staff cost:		$899.31 based on
	2 Full time ASO 5 for one day	@	$554.60
	1 Full time ASO 4 for one day	@	$245.83
	1 Full time ASO 2 for half day	@	$98.88
(v)	other costs:		
	photography:		$916.20
	Aboriginal performance		$1,100.00.

(b) The cost of the citizenship ceremonies held in conjunction with the Canberra Kambah Lions Club on Tuesday, 28 July 2015 was $2,226.43 in total comprising of:

(i)	Southern Cross Club venue:		nil (the Lions club provided free venue for the ceremony)
(ii)	Catering:		nil (the Lions club provided the catering)
(iii)	equipment hire:		nil
(iv)	staff cost:		$685.63 based on
	1 Full Time ASO 6 for one day	@	$313.30
	1 Full Time SOC C for one day	@	$372.33
(v)	other costs:		
	photography:		$890.80
	Aboriginal performance		$650.00

(c) The cost of the citizenship ceremonies held on Thursday, 5 February 2015 was $4,515.51 in total comprising of:

(i)	Theo Notaras venue hire:		nil
(ii)	catering:		$1,600.00
(iii)	equipment hire:		nil
(iv)	staff cost:		$899.31 based on
	2 Full time ASO 5 for one day	@	$554.60
	1 Full time ASO 4 for one day	@	$245.83
	1 Full time ASO 2 for half day	@	$98.88
(v)	other costs:		
	photography:		$916.20
	Aboriginal performance		$1,100.00

Health—suicide research project (Question No 744)

Mrs Jones asked the Minister for Health, upon notice, on 2 May 2016:

(1) What will be the overall costs, in full, after completion of the research project being funded by ACT Health and undertaken by the Academic Unit of Psychiatry and Addiction Medicine into suicide in the ACT.

(2) What is the cost of the project to date.

(3) What stage is currently being undertaken of the five stages of the research project.

(4) What is the reason for the need to extend the project until the end of 2016.

Mr Corbell: The answer to the member's question is as follows:

The overall cost of the project from commencement in January 2014 to completion in 30 December 2016 will be $450,000.

(1) The project has cost $362,500 to date.

(2) Stage four of the research is currently being undertaken and involves:

- Interviews with people with lived experience of suicide including people who have survived a suicide attempt, those people who have had family members or other close people who have died by suicide.
- Interviews with Aboriginal or Torres Strait Islander people who have lost loved ones or close friends to suicide.

(3) The project was extended to provide sufficient time for interviewing people with lived experience of suicide and in particular Aboriginal or Torres Strait Islander people. Interviews of this nature are complex and require regard for the care and support for both the interviewees and the interviewer. This is critically important in the light of interviewees potentially re-experiencing previous trauma, or for the interviewer, a potential for being subject to vicarious trauma through the listening and recording of the experiences of people with the lived experience.

This has required more time than originally estimated.

Health—scholarships (Question No 745)

Mrs Jones asked the Minister for Health, upon notice, on 2 May 2016:

Further to the answer to Question No. 622 which advised that $349 000 was allocated in the 2015-2016 financial year for the scholarships awarded for postgraduate nursing in Mental Health, Justice Health and Alcohol and Drug Services, how much was spent on each scholarship in 2015-2016 and what criteria are used to select the courses in the postgraduate scholarship program, including for those courses offered interstate.

Mr Corbell: The answer to the member's question is as follows:

In reference to QON 622, ACT Health has advised that there was an error in responding to the request for the budget figure for Mental Health Nursing scholarships for 2015-16. The correct budget allocation is $283,000.

The ACT Health scholarships for Mental Health nursing have principally been established to address workforce recruitment needs and support Registered Nurses working in the sector. Criteria followed is that the course must be relevant to the nurses place of work.

Scholarships vary from $704 to $12,500. 52 scholarships have been awarded, where the minimum amount awarded was $704 and the maximum amount was $12,500.

The summary of scholarship values in 2015-2016 are:

- 41 applicants received between $704 and $2,000 for the Graduate Diploma in Mental Health Nursing, University of Canberra;
- nine applicants received between $2,000 and $5,000 for post graduate courses at other Universities;
- one applicant received $6,500 for the Bachelor of Nursing program at University of Canberra;
- one applicant received $12,500 for the Masters of Public Administration.

Other scholarships were awarded in 2015-2016 for non tertiary support to attend conferences and to undertake the Joanna Briggs Research Fellowship. This amount (to date) totals $24,300.

Children and young people—playgrounds (Question No 746)

Mrs Jones asked the Minister for Economic Development, upon notice, on 4 May 2016:

What was the total cost for building of the Boundless playground at Kings Park including (a) the cost of equipment, (b) the cost of landscaping, (c) the cost of fencing, (d) the cost of footpaths, (e) the cost of toilet facilities, (f) the cost of plumbing, (g) the cost of signage, (h) the cost of labour and (i) any other costs in establishing this playground.

Mr Barr: The answer to the member's question is as follows:

Boundless Canberra is an independent Incorporated Association, not an ACT Government program. The Boundless Canberra Board manages the expenditure of the donated monies for the playground.

Tuggeranong—offensive odours (Question No 747)

Ms Lawder asked the Chief Minister, upon notice, on 5 May 2016:

(1) How many complaints about the foul smell in Tuggeranong were received by Access Canberra and passed on to ACT Government directorates or agencies, from November 2015 to May 2016 inclusive, as (a) as anonymous and (b) not anonymous.

(2) What was the total number of complaints received by Access Canberra about the foul smell in Tuggeranong from November 2015 to May 2016 inclusive.

Mr Barr: The answer to the member's question is as follows:

(1) No complaints received by Access Canberra (which includes the EPA) on the odours in Tuggeranong were passed on to other ACT government directorates or agencies as Access Canberra is the relevant authority in relation to this matter.

(2) Access Canberra received a total of 89 complaints about the odour in Tuggeranong between November 2015 and May 2016 inclusive. Of these 89 complaints, 54 were

anonymous. The remaining 35 complaints were submitted by 26 complainants, with one complainant making 10 complaints and the rest making one complaint each.

Taxation—land tax (Question No 748)

Mr Coe asked the Chief Minister, upon notice, on 5 May 2016 *(redirected to the Treasurer)*:

(1) Does the Taxation Administration (Notice of tax in arrears) Declaration 2016 (No 3) implement a new approach to the collection of arrears of land tax and/or rates; if so, can the approach previously taken be outlined and why a new approach was adopted.

(2) What advice is provided to leaseholders if they are in arrears of the payment of land tax and/or rates.

(3) What is the total amount owing for land tax and rates for the financial years (a) 2014-15 and (b) 2015-16 to date.

(4) How many court orders have been made for the sale of all or part of the parcel of land for the arrears of land tax and rates in (a) 2014-15 and (b) 2015-16 to date.

(5) What revenue has been received from the sale of the land referred to in part (4) in (a) 2014-15 and (b) 2015-16 to date.

Mr Barr: The answer to the member's question is as follows:

(1) The ACT Revenue Office commenced a program using the Sale of Land Debt Recovery provisions of the *Taxation Administration Act 1999* in January 2014. Declaration 2016 (No 3) is the 12th such notice in the program. The program targets investment properties with substantial long-term rates and land tax arrears where the ACT Revenue Office has been unsuccessful in recovering the liability through ordinary debt recovery processes. To date, this program has targeted 265 investment properties with outstanding liabilities of $3.189million.

(2) Consistent with the legislated process following standard arrears notices issued (on a quarterly basis), leaseholders identified under the Sale of Land Debt Recovery Program are subsequently issued with two Letters of Demand from the ACT Revenue Office before the matter is escalated to the ACT Government Solicitor. The ACT Government Solicitor also issues its own Letter of Demand to leaseholders.

(3) The total amount of land tax and rates in arrears was (a) $35.9 million at 30 June 2015 and (b) $42.7 million at 30 April 2016.

(4) No court orders have been made for a sale of land under the program.

(5) To date the program has recovered $2.864million from taxpayers paying arrears before court action has been finalised.

Capital Metro—postcards (Question No 749)

Mr Coe asked the Minister for Capital Metro, upon notice, on 5 May 2016:

(1) Who initiated the production of the Myth versus Fact postcards produced by Capital Metro.

(2) Were the postcards developed internally or by an external provider.

(3) Who approved the text of the postcards.

(4) How many different versions of the postcards have been produced.

(5) How many postcards have been printed to date.

(6) How will the postcards be distributed.

(7) Is there any plan to mail out the postcards to all households in Canberra.

(8) What is the cost of (a) production, (b) printing and (c) distribution.

Mr Corbell: The answer to the member's question is as follows:

(1) The Capital Metro Agency (CMA) Communication and Stakeholder Engagement team.

(2) The content was produced internally and were printed and designed externally.

(3) The postcard content was approved through the Director of Communications.

(4) 12, printed back to back.

(5) 1,000.

(6) The postcards were developed in approximately June 2015; at the time they were distributed at community events and via social media. In September 2015, the CMA was informed by the ACT Electoral Commission that the postcards were deemed electoral matter and did not meet certain branding elements of the *Electoral Act 1992*. Following this, the CMA amended electronic versions of the postcards and destroyed all hard copies within the office.

(7) No.

(8) (a)$275 (inc GST).

(b) $999 (inc GST).

(c) None.

Government—transport and services directorate (Question No 750)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 5 May 2016 *(redirected to the Chief Minister)*:

(1) In relation to the announcement made on 7 April 2016 that Transport Canberra will join with Territory and Municipal Services to form a new Directorate, Transport Canberra and City Services, from 1 July 2106 what (a) was the total cost spent on promotional material and stationery for Transport Canberra to date in the financial year 2015 16, (b) type of promotional material and stationery will be produced for Transport Canberra in 2016-17, (c) was the cost of each category of promotional material and stationery produced for Transport Canberra in 2016-17 and (d) will be done with the Transport Canberra material that is no longer required.

(2) Why was that decision overturned in favour of establishing Transport and City Services given that the decision to establish Transport Canberra was only announced on 27 October 2015 by the Chief Minister and the then Minister for Territory and Municipal Services.

(3) When was the decision taken to form Transport and City Services.

(4) What is the total amount budgeted for branding for the new Directorate of Transport and City Services in the 2016-17 financial year.

(5) What type of promotional material, signage and stationery is expected to be produced for the Directorate of Transport Canberra and City Services.

(6) What is the expected cost of each category of promotional material, signage and stationery expected to be produced for the Directorate of Transport Canberra and City Services.

Mr Barr: The answer to the member's question is as follows:

(1)

(a) $1700 for four banners.

(b) Stationery for the new agency will be developed in-house by ACT Government Publishing services.

(c) No stationery has been produced for the new agency.

(d) The banners will continue to be used for events.

(2) The Government flagged changes to its directorate structure to best meet the priorities of the government. The directorate will be called Transport Canberra and City Services. This does not undo the creation of Transport Canberra. It combines Transport Canberra with City Services.

(3) The media release 'New directorate brings together transport and city services to deliver for Canberra' flagged the new arrangements on 7 April 2016. The *Administrative Arrangements (No. 3) 2016* were notified on 14 April 2016.

(4) Transport Canberra and City Services' internal budget allocations have not been finalised.

(5) The transition team responsible for the establishment of the new agency have approved a new brand for Transport Canberra. A new MyWay card is currently in production. Bus skins to promote the new city loop bus service are currently in production for seven buses. The new branding will also be applied to the ACTION information centre in the Civic Interchange. Further decisions on branding, including its application in relation to the ACTION fleet, directorate stationery and the brands application on www.transport.act.gov.au are still being considered.

(6) Decisions have yet to be made, and as such no cost have been determined.

Roads—Malcolm Fraser Bridge (Question No 751)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 5 May 2016:

(1) Who approved the road closures and traffic diversions put in place on the Majura Parkway on 21 and 22 April 2016 for the naming of the Malcolm Fraser Bridge on 22 April 2016.

(2) When was the decision taken to close the roads.

(3) Was any consideration to holding the naming event in another nearby location to limit disruption to road users.

(4) Was any consideration given to the impact that the road closures would have on traffic flow in this area.

(5) What steps were taken to ensure that motorists were forewarned of the road closures so that they could consider alternative routes.

(6) Was any assessment undertaken after the event to determine the level of disruption to traffic and the impact on local motorists, including productivity losses, to inform the consideration of any future road closures.

(7) What was the total cost of the naming event.

Ms Fitzharris: The answer to the member's question is as follows:

(1) Roads ACT.

(2) The decision to close the southbound carriageway of the Majura Parkway was taken in March 2016 to ensure the event was conducted safely once the scale of the opening event was understood.

(3) Yes, however as the event also included the formal naming of the Malcolm Fraser Bridge, a decision was made to hold the event on the southbound bridge outside the morning peak traffic period to minimise the impact.

(4) Yes, the available detours for traffic were considered to be acceptable outside peak periods and had been used throughout the construction stages of the Parkway project.

(5) Variable message signs were installed along the main roads entering the Parkway to advise road users of the event and associated traffic arrangements. A media statement and social media posts were used to advise motorists. The matter was also heavily covered on local radio channels.

(6) No formal assessment was undertaken however the road was reopened as soon as it was safe to do so. The road closure was in place from 9.45 am – 3 pm.

(7) $23,400.

Land—rent block surrenders (Question No 752)

Mr Coe asked the Minister for Urban Renewal, upon notice, on 5 May 2016:

How many land rent blocks have been surrendered to the LDA since 1 January 2015 and what is the (a) block and section and (b) date of surrender for the blocks.

Mr Barr: The answer to the member's question is as follows:

Two land rent blocks have been surrendered to the LDA between 1 January 2015 and 5 May 2016.

Block 7 Section 53 Bonner and Block 6 Section 42 Bonner were both surrendered on 23 March 2015.

Capital Metro—costs (Question No 754)

Mr Coe asked the Minister for Capital Metro, upon notice, on 5 May 2016:

What is the expected cost of compiling submissions to the National Capital Authority in regards to Capital Metro Stage 1 and is this figure part of the Capital Metro Agency's budget for 2015 16 or 2016 17; if not, from which Directorate will the cost of compiling submissions be met.

Mr Corbell: The answer to the member's question is as follows:

Costs of compiling submissions to the National Capital Authority (NCA) for Works Approval (WA) applications for Capital Metro Stage 1 is included within the Capital Metro Agency's (CMA) 2015 16 budget and 2016-17 budget estimates as *Capital Metro – Procurement and Delivery*.

To date, the cost of lodging applications for WA for the Capital Metro project has been $138,710.

Further WA applications are expected, however the preparation of such applications is primarily the responsibility of Canberra Metro and they will bear the cost of this work, including preparation of design and associated reports.

However, the CMA (and Transport for Canberra and City Services post 1 July) will continue to incur costs for:

- Reviewing and commenting on Canberra Metro's designs and documentation;
- Co-ordinating Canberra Metro WA material and liaising with the NCA; and
- Paying any associated application fees to the NCA.

Questions without notice taken on notice

Schools—Black Mountain School

Mr Rattenbury *(in reply to a question and a supplementary question by Mr Wall on Thursday, 5 May 2016)*:

1) The Black Mountain School hydrotherapy pool is currently out of service. It was closed and drained by the school for a routine clean on 10 April 2016.

   A further check of the condition of the pool and its surrounds was completed when the pool was drained.

2) There is no water leaking from the pool structure.

   There is water ingress damage to the pool surrounds and concourse area, due to wet sealant failure in the wet edge gutter and tile grout failure in the surrounds. A consultant structural engineer identified this issue following an inspection of the pool and the pool surrounds. The inspection occurred on 15 April 2016 with a report provided to the Directorate on 19 April 2016.

   Following receipt of the structural engineer's report, design work and a tender process was undertaken to select a preferred contractor to undertake the necessary repairs to the pool concourse area. The contractor was appointed on 5 May 2016.

   The repairs involve re-sealing the pool gutter, re-instating the concourse and coating the tiles with appropriate bedding and jointing grout. The remedial works commenced on 9 May 2016 and are anticipated to take 4 to 6 weeks to complete.

3) The hydrotherapy pool facilities at Turner, Cranleigh and Malkara Schools are operational.

Planning—Telopea school

Mr Rattenbury *(in reply to a question and supplementary questions by Mrs Jones and Mr Doszpot on Wednesday, 4 May 2016)*:

1) Approved Blocks 6 and 7 Section 36 Forrest (Approved blocks) were never registered at the Land Titles Office. Therefore, Crown leases over the Approved blocks were never issued. Block 5 Section 36 Forrest (Block 5) is the registered Block.

   The Education Directorate (Education) had previously agreed to transfer a portion of Block 5 (Telopea Park School tennis courts) to the Land Development Agency (LDA).

   The LDA had planned to redevelop Telopea Park School tennis courts and build a childcare centre. Plans were developed to subdivide Block 5 into two separate blocks (Block 6 and Block 7, Section 36 Forrest).

   Education surrendered the Crown lease over Block 5 on 25 March 2015.

   The ACT Chief Minister announced in the media on Wednesday 12 August 2015 a decision in relation to the Telopea Park School tennis court:

   > *"...the lease for the site of the Telopea Park tennis courts will be returned to the school and will have an additional community use. The locks will be taken off those tennis courts, and they will be opened to the broader community."*

   Following the Chief Minister's announcement, Education requested the planning and land authority to grant a new Executive Crown lease (99 years) over Block 5. The lease was granted on 9 October 2015 and registered at the Land Titles Office on 21 October 2015.

   The new Crown lease has been granted over the same parcel of land as the original Crown lease that was surrendered and includes the oval and tennis courts located at the Telopea Park School (also known as Montgomery Oval). Block 5 will continue to be used by the school and the community.

   Until recently, ACTMapi showed both the registered Block 5 and the Approved blocks. ACTMapi was updated on 11 May 2016 and the Approved blocks (Blocks 6 and 7) were retired.

   ACTMapi, the Crown lease and the registered Certificate of Title now all reflect and are consistent with the Chief Minister's announcement of 12 August 2015.

2) Please refer to (1).

3) Please refer to (1).

4) Please refer to (1).

Housing ACT—asbestos

Ms Berry *(in reply to questions and supplementary questions by Ms Lawder and Mrs Jones on Thursday, 5 May 2016)*:

1) The condition of Housing ACT properties is being assessed on a cyclical basis by the Total Facilities Manager, Spotless and recorded on the Homenet database. All maintenance work undertaken on public housing properties is also recorded on the Homenet database. These records have been stored electronically since the commencement of Homenet in 2000. Members of the community can seek access to government records, in accordance with the Freedom of Information Act 1989.

2) There is no consolidated list of houses in the ACT with bonded asbestos. Bonded asbestos building products were commonplace in Australia until a formal ban on the use of asbestos containing materials came into force on 31 December 2003. As part of the contract for sale, Housing ACT provides an Asbestos Awareness fact sheet (refer *www.asbestos.act.gov.au*) which provides advice to the buyer about the potential location of asbestos for all homes constructed prior to 1985.

3) It is a requirement for all property owners to provide prospective buyers with a building report in accordance with the Civil Law (Sale of Residential Property) Act 2003.

4) Public housing properties are sold by auction through an approved Real Estate Agent who is a member of the CSD Panel of Real Estate Agents. As part of the auction sales process, prospective buyers are provided with all required pest, building and energy efficiency reports. I am advised that it is highly unlikely that a building report would identify a property as 'uninhabitable'. If a prospective buyer is concerned about any issues identified in the building reports they can decide whether or not to pursue the purchase of the property in its current condition. Refer also to answer to Question 3.