Debates

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Legislative Assembly for the ACT

EIGHTH ASSEMBLY

2 AUGUST 2016

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Tuesday, 2 August 2016

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

Resignation of member
Statement by Speaker

MADAM SPEAKER: Pursuant to the resolution of the Assembly of 27 March 1992, which authorises me to receive written notice of resignation of a member, I wish to inform the Assembly that I received a written notice from Mr Smyth, dated 15 July 2016. I present the following papers:

> *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), pursuant to subsection 13(3)—Resignation of office as Member—Smyth, Mr B.—Letter of resignation, dated 15 July 2016.
>
> Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Copy of letter to the Electoral Commissioner, ACT Electoral Commission, from the Acting Speaker, dated 15 July 2016.

Announcement of member to fill casual vacancy

MADAM SPEAKER: The Acting Clerk has been notified by the Electoral Commissioner that, pursuant to sections 189 and 194 of the Electoral Act 1992, Mr Valentine Jeffery has been declared elected to the Legislative Assembly for the Australian Capital Territory to fill the vacancy created by the resignation of Mr Smyth. I present the following paper:

> Legislative Assembly for the Australian Capital Territory—Casual Vacancy—Declaration of the poll—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Acting Clerk, ACT Legislative Assembly, dated 29 July 2016.

Oath or affirmation of allegiance

MADAM SPEAKER: In accordance with the provisions of the Oaths and Affirmations Act 1984, which requires the oath or affirmation of a new member to be made before the Chief Justice of the Supreme Court of the Australian Capital Territory or a judge of that court authorised by the Chief Justice, the Chief Justice has authorised the Hon Justice Richard Refshauge, Judge of the Supreme Court of the Australian Capital Territory, to attend the chamber. I present the following paper:

> Oaths and Affirmations Act, pursuant to section 10A—Nomination of Justice Richard Christopher Refshauge, Judge of the Supreme Court of the Australian Capital Territory—Letter by email from the Chief Justice to the Clerk of the Legislative Assembly, dated 19 July 2016.

Mr Justice Refshauge attended accordingly—

Affirmation of allegiance by member

Mr Valentine Jeffery was introduced and made and subscribed the affirmation of allegiance required by law.

Mr Justice Refshauge having retired—

MADAM SPEAKER: Mr Jeffery, on behalf of all members I bid you a warm welcome to the Legislative Assembly.

Inaugural speech

MR JEFFERY (Brindabella): I seek leave of the Assembly to make my inaugural speech.

Leave granted.

MADAM SPEAKER: Before I call Mr Jeffery I will remind members that this is his inaugural speech, and it is tradition that he is heard in silence.

MR JEFFERY: Twenty-odd years ago we believed that the ACT was grown up and ready for self-government. I was one of those who held that belief and I voted for its introduction. I am afraid as I look back that we were kidding ourselves. Sadly, the circus of its introduction has basically extended over 20 years to this day as maturity has not become the mantra of central quality experience. I am just so disappointed as we expected so much and deserved better.

I was born in the Depression and spent my childhood in the shadow of the Second World War and steeped in reality. Although only five years old I remember vividly the declaration of war as I walked into the kitchen at the shop where I was raised and where my mother was ironing and listening to the Prime Minister on the radio when his sad words fell out that "Great Britain has declared war on Germany, and as a result we are at war." The frightening, sad look on my mother's face said it all; her shock and despair as much as to say, "Not again". I can never forget that sadness in her eyes.

As a family and a small village, this little community worked its guts out to support the war effort, from the growing of more food, knitting more clothes, joining up, serving with the Tharwa volunteer defence corps et cetera. The war finished and we welcomed home our brave servicemen with a memorable old time dance in our village hall, a small community proud of its efforts.

The shining 50s followed the war. What stood out then was the excitement of revival and the urge to get up and on with it. We were a rural community in the fifties experiencing great seasons of pasture growth, wool prices of over a pound for a pound, farmers and graziers putting their returns into improving their land, an influx of great new Australians bursting to get at it, and a positive era took off.

On top of the rural positives, the move to the space age with the building of the tracking stations brought with it tourism and jobs, together with excitement, new friends and confidence. This happened with little, if any, detrimental impact on our community, but of course it was too good to last.

Unfortunately, Australia started moving from a population ingrained with get up and go after enduring a depression and two world wars to approach a generation of educated politicians and bureaucrats out of touch with the real world of those decades. Red tape and rules were inevitable and the ACT really started sliding downhill.

First came the mass ugly resumption of ACT freehold land, done by letter without even the courtesy of a discussion. Letters of resumption were served on the rural landholders by post on a Saturday morning. I vividly remember Peter Snow, the owner of Cuppacumbalong property, an ex-gunner in the war, coming up to me with the letter in his hands that informed him that he had "14 days to treat"; an ex-soldier, a friend and mentor with tears in his eyes.

It was the beginning of the end of respect for our rural community that bureaucrats saw themselves as more important than the community they needed to be part of. With only 30-day agistment leases for ACT rural land, there was no incentive for landholders to maintain and improve the integrity of their property. As a result, we have now inherited properties full of weeds and other ugly and expensive environmental problems.

However, we have also inherited a precious, beautiful and heritage village, the oldest town in the ACT that has not received one iota of respect since self-government. Tharwa community has a history of looking after itself. With a progress association in the early days that was respected when under federal governance we were able to get things done, like the sealing of the road to the Monaro Highway, the removal of gates on the main road, equipment to fight fires, the provision of our own water supply, the building of our own hall, the lobbying for electricity et cetera.

Sadly, self-government has brought the rural ACT insecurity and uncertainty, with bureaucratic over-dominance and lack of support. For instance, since self-government not one kilometre more of rural road has been sealed. Rural bridges were virtually crucified. The Tharwa Bridge essential maintenance was ignored until the vital bridge was shut for seven years with rebuilding costing over $25 million. The Smiths Road Bridge was set up to wash away. The Angle and Point Hut crossings were not raised by even one centimetre.

The Adaminaby Road was ignored for any improvement. Night-time protection under the Tharwa Bridge was not secured from drug dealers and hoons after the bridge restoration work. The community-installed Tharwa water supply, over 50 years old, was failing and ignored. There was the unwarranted Tharwa school closure insult, and it goes on.

A possibly greater threat to the ACT than even terrorism is the threat of bushfires. The 1939 major bushfire to the west of the ACT was a wakeup call. A little over

four-years-old at the time, I remember it well with the locals fighting it with bushes and bags. From then to today I have fought many fires. I was actually chairman of the statutory ACT Bushfire Council for over 10 years in the days when the ACT Bushfire Council was a successful independent statutory authority. So I think that I know a bit about bushfires and their management.

Unfortunately, with the advent of self-government politicians and bureaucrats could not tolerate the successful independence of the Bushfire Council. So bushfire management was transferred to bureaucrats. No longer were those with most to lose responsible for operational management. Straight away red tape burgeoned and our original successful prime objective of early detection and rapid initial response went out the window, spawning backside-covering and missed opportunities.

The resulting disaster was the 2003 fires when the fires were allowed to claim five lives and 500 houses. Those lightning strikes should have been and could have been brought under control within 24 hours of their ignition. The cruellest part is that the management of bushfires in the ACT is now many times worse than it was in 2003. And you know what? People at the top do not care.

However, an active, vibrant rural community like Tharwa does not ask for much but expects a bit of respect, which has been completely lacking since self-government. Surely it is time for an ACT government to take a deep breath, open its eyes, look a bit outside the concrete bunker in Civic and recognise that there is an important rural part to the ACT.

I would like to finish by thanking all the great people of our community and particularly my wife Dorothy, who has supported me for over 50 years. I am thankful for all the support that our precious community has given us. Please keep safe.

Petition

The following petition was lodged for presentation, by **Mrs Dunne**, *from 113 residents*:

Page playground facilities—petition No 5-16

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 playground facilities on the comer of Knaggs Crescent and Birrell Street, Page ACT are inadequate, out-dated and unsafe. This playground receives a substantial amount of patronage from many young families and their children who live in the immediate area and cannot meet demand.

Your petitioners therefore request the Assembly to upgrade the existing playground facility to reflect the amount of patronage the current equipment receives with the option of including a BBQ recreational area.

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.

Petition
Ministerial response

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

By Ms Fitzharris, Minister for Transport and Municipal Services, dated 1 July 2016, in response to a petition lodged by Mrs Dunne on 4 May 2016 concerning public transport services on Burkitt Street, Page.

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

Page bus services—petition No 2-16

The response read as follows:

> I understand the concerns that you have raised and agree that public transport is important for many Canberrans who may have no other means of transport. This is particularly true of older citizens who rely on public transport for accessing health services and facilities. I am advised that the services in Burkitt Street were removed following a review of the bus network. The review found that there was low patronage of the services in the area.
>
> From June 2011 to August 2014 (the last week of Network 12) the daily average boardings at Burkitt Street bus stops were 4.2.
>
> The ACT Government has introduced a free Flexible Bus Service, which may be an alternative option for the elderly or people with disabilities wishing to catch buses. This service exists to provide assistance to people with physical limitations in accessing regular public transport services.
>
> In the inner Belconnen area, which includes Page, passengers can contact the Community Transport Coordination Centre on (02) 6205 3555 and access services to Belconnen Mall, Jamison Centre and Calvary Hospital or other areas within this zone as the service is flexible by nature. Passengers can elect to be picked up from their residence or from their nearest bus stop.
>
> At this stage there are no plans to re-establish bus services along Burkitt Street, Page. The combination of Community Transport and minibus transport provided by individual retirement villages is catering for passengers who are unable to walk to a nearby bus stop.

Select committees
Membership

MADAM SPEAKER: Pursuant to standing order 223, I advise members that the Acting Opposition Whip wrote to the Acting Speaker advising of proposed changes to the membership of certain committees. The Acting Speaker agreed to the following changes on 15 July 2016:

Mr Coe be appointed to the Select Committee on Estimates 2016-2017.

Mr Coe be appointed to the Select Committee on the Legislative Assembly (Parliamentary Budget Officer) Bill 2016.

I present the following paper:

Select Committees—Membership—Copy of email correspondence between the Acting Opposition Whip and the Acting Speaker, dated 15 July 2016.

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

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

Public Accounts—Standing Committee
Membership

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

Pursuant to standing order 223, that Mr Coe be appointed to the Standing Committee on Public Accounts.

Planning, Environment and Territory and Municipal Services—Standing Committee
Report 13

MS BURCH (Brindabella) (10.18): I present the following report:

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 13—*Inquiry into Waste Management and Resource Recovery Bill 2016*, dated 28 July 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Question resolved in the affirmative.

Estimates 2016-2017—Select Committee
Report

MR COE (Ginninderra) (10.19): I present the following report:

Estimates 2016-2017—Select Committee—Report—Appropriation Bill 2016-2017 and Appropriation (Office of the Legislative Assembly) Bill 2016-2017, dated 2 August 2016, including additional comments (Mr Coe, Mr Doszpot), together with the relevant minutes of proceedings and answers to questions on notice and questions taken on notice.

I move:

That the report be noted.

The Select Committee on Estimates 2016-17 was established on 10 March with Mr Smyth as the Chair, Mr Hinder as the Deputy Chair and members Ms Burch and Mr Doszpot. Following Mr Smyth's resignation I was appointed to the committee by the Acting Speaker and became Chair on 18 July.

Firstly I would like to thank my committee colleagues for the way in which they approached the deliberation of their report. Whilst I attended numerous public sessions of the committee, especially on the portfolios of which I am the shadow, it was the original committee members who participated in more than two weeks of public hearings and they do warrant the Assembly's thanks. Of course the estimates process is vital for the accountability of the government and in particular the budget and whilst it is a very heavy burden for members to be part of the committee I think the committee functioned very well.

Secondly I would like to extend my thanks to the ministers and witnesses who appeared before the committee. I gather a considerable amount of work goes into preparation for estimates hearings by public servants, and all members appreciate that dedication and commitment. Further to this a total of 322 questions were either put or taken on notice by the directorates and I believe all have been answered. Thank you.

Thirdly I would like to thank the community and the industry representative groups for their active engagement with this process. Their contribution ensures that the committee has the right perspective when looking at the roles and responsibilities of the government and its budget.

My final thanks before commenting briefly on the bill go to the staff of the Assembly. We are grateful for the support of the attendants and technicians for facilitating the hearings. We are grateful for the work of the Hansard department in creating a record of the proceedings and, of course, to the secretariat. In particular I would like to thank the secretary, Ms Kate Harkins, and Ms Margie Morrison for their work especially in assisting me over the last fortnight or so. I would also like to thank Mrs Nicola Kosseck, Dr Andrea Cullen, Mr Hamish Finlay, Dr Brian Lloyd, Mr Andrew Snedden, Mr Greg Hall and Ms Lydia Chung.

I will now briefly turn to the substance of the report. The committee made 144 recommendations. I think the committee functioned very efficiently and with the best of intentions. The fact that we agreed to 144 recommendations, I think, is evidence of that. Whilst there will be some recommendations in the report that some members will be more comfortable with than others I think the recommendations do represent the collaboration which took place in the deliberations on this report. There were some additional recommendations that were proposed by Mr Doszpot and me that were not supported and we have included these as additional comments.

The breadth of recommendations adopted by the committee spans from administrative processes at the Assembly through to support for schools, funding for mental health services, master planning and housing analysis, rubbish stockpiles, superannuation liabilities, sterilisation services at the hospital, security equipment at the jail, heritage, tourism, the NDIS, light rail and much more. The report reflects the activities of the committee and I encourage members to familiarise themselves with the report.

MR HINDER (Ginninderra) (10.22): The committee carried out the inquiry over a number of weeks and I too would like to add my thanks to particularly the staff and, of course, to all those who contributed to the inquiry of the committee. I too would like to thank the other members of the committee for the way that the inquiry was conducted and the numerous subsequent private meetings to distil those recommendations into the document tabled here today.

Of course government members join with opposition members in the hope that the recommendations put forward here work to improve the quality and the breadth of work that is done in the territory and I join with Mr Coe in commending the report to the Assembly.

Debate (on motion by **Ms Burch**) adjourned to the next sitting.

Legislative Assembly (Parliamentary Budget Officer) Bill 2016—Select Committee
Report

MR RATTENBURY (Molonglo) (10.25): I present the following report:

> Legislative Assembly (Parliamentary Budget Officer) Bill 2016—Select Committee—Report—Inquiry into the Legislative Assembly (Parliamentary Budget Officer) Bill 2016, dated 2 August 2016, together with the relevant minutes of proceedings.

I move:

> That the report be noted.

I will speak very briefly to this. The committee did meet and examine the legislation put forward by Mr Smyth. The committee ultimately recommended that the bill not be further considered during the term of the Eighth Assembly. There are a number of reasons the committee came to that view. Both through illness and the resignation of Mr Smyth the committee did not have time to do a great deal of scrutiny of the bill but perhaps more significantly we did not believe that there was time to establish a parliamentary budget officer before the coming election period for the Ninth Assembly. Rather the committee formed the view ultimately that the current election costings process would be retained as the approach and that a parliamentary budget officer be considered at the start of the Ninth Assembly. What that probably does reflect is a sense that the committee did not see a role for a full-time parliamentary budget officer for the whole term but probably more focusing on the election period and whilst we did not definitely conclude that I think it is fair to say that is where the discussion was going.

The report does contain some discussion of the role of parliamentary budget officers in other jurisdictions. It notes the role of the commonwealth budget officer, the role in New South Wales and also legislation that is being brought forward in Victoria to establish a parliamentary budget officer in Victoria. We did also have a discussion with Mr Stephen Bartos, who was the Parliamentary Budget Officer in New South Wales at the last New South Wales election, and the report contains insights that he gave us during that discussion. We felt it was valuable to reflect that back to the Assembly because when further work is done in the next term that information may well be beneficial to members who are considering this issue.

It is a brief report but certainly the committee has sought to pull together the information made available to it and then the analysis that has been done in order to inform any further discussion of these matters in the Ninth Assembly.

MR COE (Ginninderra) (10.28): I would like to reiterate the comments made by Mr Rattenbury as Chair of the committee. I was appointed to the committee upon Mr Smyth's resignation; so I missed some of the earlier workings of the committee but was able to be involved in the final deliberations and the preparation of the committee report. I think Mr Rattenbury has summed up the situation accurately. I think there is a need for a parliamentary budget office or officer in the ACT but it would be very tricky to get such a position or such an office operational in time for the October election this year. With that said, I think there are some improvements that can be made to the treasury costings process and I understand the government has agreed to a number of my suggestions to try to enhance that process over the coming 10 or 11 weeks.

I do encourage the next Assembly to seriously consider the best mechanism for getting this process operational as soon as possible so that there is some certainty and we are not in a situation where several months before the 2020 election we are frantically looking at establishing a PBO.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Paper and statement by chair

MADAM SPEAKER: Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Administration and Procedure in response to the resolution of the Assembly of 9 June 2016 which referred a proposed new continuing resolution relating to a family friendly workplace to the committee for consideration and report by 2 August. The committee considered the proposed new continuing resolution which would, if adopted, have the effect of purporting to require that a standing pair be granted for as long as required to an MLA who is a nursing mother or a parent with primary feeding responsibilities.

In its report No 8 to the Assembly entitled *Family friendly workplace* presented on 7 April 2016 the committee expressed the view that the granting of pairs fell outside the formal procedures of the Assembly and that to address the matters raised the whips of the parties represented in the Assembly should develop a set of guidelines for the operation of pairing arrangements to support family friendly practices.

In its discussion of the proposed continuing resolution, the committee reaffirmed its view that the matter was not part of the formal procedural arrangement for the management of the chamber and it did not support the proposed continuing resolution. The committee was, however, of the view that whips should continue to be responsible for ensuring that members' commitments to work-life balance are recognised at all times.

I therefore table, for the information of members, the following paper:

> Protocols for the operation of pairs to encourage and support members who are nursing mothers or who have carer responsibilities, signed by the relevant party whips, dated 28 July 2016.

Administration and Procedure—Standing Committee
Report 9

MADAM SPEAKER: I present the following report:

> Administration and Procedure—Standing Committee—Report 9—The Conduct of Mr Barr MLA, dated 2 August 2016, together with a copy of the extracts of the relevant minutes of proceedings.

MR RATTENBURY (Molonglo) (10.31): I move:

> That the report be noted.

This is a brief report that the administration and procedure committee has concluded. I will leave it to members to read it for their own benefit but the report finds that there is no matter for Mr Barr to answer to here according to the advice of the standards commissioner.

The committee also makes a number of further recommendations, including that members consider the report. The reason the committee has made this point is that the report presented to us by Mr Crispin contains detailed consideration of members' responsibilities around issues of perceived conflict of interest, and it was the administration and procedure committee's view that reading this material would be beneficial to all members in order to help them understand the interpretation of some of the guidelines.

I will leave it at that. This is a matter that I am sure members will find of interest, and I commend the report to the Assembly.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Scrutiny report 46

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

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 46, dated 19 July 2016, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 46 contains the committee's comments on 16 bills, 44 pieces of subordinate legislation, three government responses and one regulatory impact statement. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Justice and Community Safety—Standing Committee
Report 7

MR DOSZPOT (Molonglo) (10.33): I present the following report:

> Justice and Community Safety—Standing Committee—Report 7—Inquiry into Auditor-General's report on Rehabilitation of Male Detainees at the AMC, dated 25 July 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Today I rise regarding the standing committee's report on the Auditor-General's report on rehabilitation at the AMC, Auditor-General's report No 2 of 2015. Normally Auditor-General's reports are considered by the Standing Committee on Public Accounts. However, in this instance, the chair of PAC wrote to the committee inviting it to undertake the inquiry, which the committee accepted.

The Auditor-General's report on rehabilitation of male detainees at the AMC is a significant report. Among other things, it suggests that the rehabilitation effort would be much improved by a more focused, coordinated and consistent approach. The means to do this included setting clear objectives, improving practices for data input and reporting, and establishing prison industries. This last matter was part of a wider concern regarding the so-called structured day which was a stated objective of prison management and which the Auditor-General found was not implemented in a number of respects. Importantly, the Auditor-General found that, while rehabilitation somewhat uniquely was written into legislation as an explicit objective of corrections in the ACT, key elements of the rehabilitation effort such as accurate reporting and regular and systemic evaluation had not been realised in ways that would be desirable.

I note the Auditor-General made 10 recommendations in her report, which the committee supports. In addition, the committee in its report made 12 recommendations. These recommendations concern provisioning of ACT Corrective Services; training of Corrective Services staff on the compilation,

capture, management and retrieval of data on rehabilitation at the AMC; acquisition of an information system to ascertain capability; amendment of legislation to provide that the ACT Human Rights Commission is able to receive individual human rights complaints; the appointment of an ACT inspector of prisons or equivalent; acceptance and implementation of the Auditor-General's recommendations for a coordinated and systemic approach to rehabilitation at the AMC; implementation of prison industries; engagement of local business community as a source of business expertise in connection with prison industries; and continued support for organisations which work with detainees and families of detainees with a view to reducing recidivism.

In addition, in the course of the inquiry it was found that a letter had been sent to one of the witnesses to the inquiry which could be construed as having a chilling effect on that witness. In relation to this, the committee made three further recommendations which asked the ACT government to write in formal terms to all agencies advising of their obligations with respect to parliamentary privilege; asked the ACT government agencies, where perceived breaches of privilege occur, to acknowledge these promptly and use such incidents as learning tools to prevent future occurrences; and asked the Legislative Assembly to consider whether standing orders should be amended to include a new standing order which would explicitly provide for the protection of witnesses from interference by third parties, thus raising awareness of parliamentary privilege in the public sector and community.

Both the content of the report and procedural elements raised are important matters, and I ask the Assembly to give them due consideration.

In addition, since these are the last sittings of the Eighth Assembly, I would like to note the committee's work in this Assembly, which has included reports on annual reports, a bills inquiry, and the committee's significant and substantial report on sentencing, seven reports in all.

In connection with this and the other work done by the committee, I would like as chair to thank the other members of the Assembly who have served on the committee over the past four years, each of whom has made an important contribution to its work. I would also like to thank the Assembly secretariat, including committee secretary Dr Brian Lloyd, who has supported the committee in its work over the course of this Assembly by providing administrative support and procedural advice, and has conducted all of the writing and research done on behalf of the committee.
I commend the report to the Assembly.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 29

MS LAWDER (Brindabella) (10.38): I present the following report:

> Public Accounts—Standing Committee—Report 29—*Inquiry into 2016 Strategic Review of the ACT Auditor-General—Recommendations of Report*, dated 26 July 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to speak to report no 29 of the Standing Committee on Public Accounts, *Inquiry into the 2016 Strategic Review of the ACT Auditor-General—Recommendations of Report*. As members will be aware, the focus of the committee's inquiry was in response to an Assembly reference of 9 June 2016. Specifically, the committee was asked to consider and make recommendations: (1) regarding the establishment of a term of appointment for the ACT Auditor-General to be included in the Auditor-General Act 1996; and (2) on any other matters raised in the report of the 2016 strategic review of the Auditor-General.

In its report the committee has made six recommendations, three pertaining to the reinstatement of an appointment term in the Auditor-General Act and three pertaining to other matters. I would like to make a few brief comments this morning as they relate to components of the Assembly reference, firstly, as to the establishment of a term of appointment for the ACT Auditor-General.

The principle of fixed non-renewable terms is well supported in literature, and it is an important accountability mechanism for safeguarding the independence of the designated office holders in both the private and public sectors. Fixed non-renewable terms are important safeguards to avoid an office holder becoming complacent in a role. They provide new perspectives via turnover and can limit opportunities for capture.

In the case of the ACT Auditor-General, the previously mandated seven-year non-renewable term was inadvertently removed from the Auditor-General Act as part of a suite of legislative changes in 2013. The committee considers that the seven-year non-renewable term which previously applied is consistent with the requirements for safeguarding independence, is of a reasonable length to provide the incumbent with a period of time to lead and manage the audit office, and considers the relationship between length of term and the parliamentary term electoral cycle, that is, it exceeds at least one electoral cycle. Accordingly, the committee has recommended that the seven-year non-renewable appointment term for the ACT Auditor-General be reinstated in the Auditor-General Act 1996.

The committee has also considered transitional arrangements pursuant to precedent that, when amending core accountability provisions, transitional arrangements between old and new legislation should ensure that the independence of an incumbent Auditor-General is not compromised. Accordingly, the committee has recommended that any subsequent amendments made to schedule 1—appointment and terms of office of Auditor-General—and section 8—appointment of the Auditor-General Act 1996—do not apply in respect of an appointment made before the commencement of any subsequent amendments.

Secondly, as to the other matters raised in the report, the committee has also carefully considered other aspects of the report of the strategic review and has made further

comment and recommendations against three matters: one, inclusion of audited agency responses in reports of the Auditor-General; two, scope of the performance audit program; and three, impact of public interest disclosure activity on the performance audit function.

I conclude by thanking my committee colleagues, Ms Burch, Mr Hinder and Mr Coe; the former chair, Mr Smyth, under whom the inquiry commenced; the Chief Minister and directorate staff for providing written comment; and the committee office for their fabulous support. I commend the report to the Assembly, and some of my other committee colleagues may also wish to make some comments.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Statement by chair

MADAM SPEAKER: Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure in response to the resolution of the Assembly of 31 October 2013 establishing a Commissioner for Standards. Contained in that resolution was a requirement that the Standing Committee on Administration and Procedure:

> review the operation of the Commissioner after two years following the initial appointment … and report to the Assembly in the last sitting period in 2016.

The committee has reviewed the operation of the Commissioner for Standards against the background of two investigations that have been undertaken since the position was first established. The committee regards the role of the commissioner as being an important one. It provides the Assembly with an effective mechanism to assess complaints made by members of the public, members of the ACT public service and members of the Legislative Assembly about compliance with the members code of conduct or the rules relating to the registration or declaration of interests.

The committee considers that the introduction of a Commissioner for Standards has been a positive development in the Assembly's governance arrangements. The commissioner, the Honourable Dr Ken Crispin QC, has performed his work in a thoroughly judicious and professional manner. On behalf of the committee I would like to thank Dr Crispin for his service to this place as the inaugural commissioner.

Having reviewed the matter, the committee endorses the existing arrangements and considers that no changes are required. The committee resolved that the role should continue to be supported by the Assembly as an important integrity measure.

Justice and Community Safety—Standing Committee
Paper and statement by chair

MR DOSZPOT (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety relating to statutory appointments. In the period 1 January to 30 June 2016 the

Standing Committee on Justice and Community Safety considered a total of 18 statutory appointments or reappointments. In all 18 instances the committee noted the proposed appointments and made no further recommendation.

I now table a schedule of the statutory appointments considered during this period:

> Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—8th Assembly—Period 1 January to 30 June 2016.

National assessment program for literacy and numeracy
Ministerial statement

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (10.45): Today I would like to make a statement as the Minister for Education to share with members information about the trialling, assessment and implementation of NAPLAN online in the ACT. NAPLAN online is a significant change to the way we will conduct and report on the national literacy and numeracy assessment of children and young people in Australia. The implementation of the online assessment platform will deliver a more responsive assessment process by providing better information in regards to students' performance much more quickly.

Today I would like to inform members as to the national and local cross-sectoral approach being undertaken to transition the NAPLAN assessment process onto a digital platform, and address some of the issues that have been raised as we move towards implementation. Our aim is to ensure that students in ACT schools are able to transition smoothly to this new assessment method.

NAPLAN currently provides valuable information on how well young Australians are reaching important literacy and numeracy educational goals, though it is by no means the only assessment available to teachers, students and families to understand student achievement. While NAPLAN supports student and school improvement by monitoring students' progress over time, using NAPLAN online will see the provision of data to schools and teachers in a matter of weeks, which will assist teachers to plan in a time frame that is of real benefit for students. Testing will also be tailored to each student, giving a more accurate assessment of their progress. These features will increase NAPLAN's usefulness for teachers and students in the classroom in a timely way.

Each May since 2008 Australian students from years 3, 5, 7 and 9 have completed the National Assessment Program Literacy and Numeracy assessments. In May 2016 around 19,000 ACT students sat down with their paper test booklets and pencils as part of the 2016 paper-based NAPLAN.

As part of assessing how the NAPLAN online system will perform, up to 7,000 ACT students across 115 schools will participate in a test run over two weeks from 15 August until 26 August. Nationally, more than 1,000 schools will participate in the trials. It is important for parents and students to understand, however, that this is not an additional test of students' abilities but, rather, a test run of the online digital system.

Parents of students at the participating schools can expect to receive information through school newsletters about the trial. In addition, a web page has also been developed on the Education Directorate's website, with key details on the ACT approach to NAPLAN online, as well as common questions and answers.

At the Education Council meeting on 31 October 2014, Australian education ministers agreed that all states and territories should aim to transition to NAPLAN online between 2017 and 2019. The ACT, as a small, high achieving, technologically literate jurisdiction is better placed than most to implement NAPLAN online. As such, we would hope, pending the outcomes of the trial, to be in a position to start moving to NAPLAN online in 2017.

The sooner we move online, the sooner students, parents and carers, teachers and schools can access the benefits that an online national assessment can bring. However, we need to ensure that we take our community of students, parents and carers, teachers and schools on this journey with us. We also need to ensure that the system is robust and that the assessments that will be undertaken will be accurate.

Technology use for learning and online testing is not new in the ACT. Over recent years, national assessment sample testing has occurred online, and schools have used other online testing resources such as the Australian Council for Educational Research progressive achievement tests and mathletics. Google apps for education are also widely used across ACT schools for learning.

In the ACT we have proactively worked in partnership with Catholic and independent schools in preparing and trialling NAPLAN online. It would be ideal in a small jurisdiction for all ACT schools to transition to NAPLAN online together, rather like the way ACT schools commenced the transition to the Australian curriculum together.

Importantly, moving to NAPLAN online brings new opportunities for students and teachers that are limited or not possible with paper-based tests. NAPLAN online will deliver a style of assessment that accurately measures student performance against the Australian curriculum that is better, more precise and faster than NAPLAN paper testing. By moving to NAPLAN online student results to parents and schools will be returned within a three week period, rather than a current three month process to receive results. This timeliness will increase the relevance to each and every student and deliver real benefits for teachers as they plan for their classrooms.

Integral to an online system is the introduction of a tailored test design which will better target questions to students based on their ability. Students in each year group across Australia will no longer undertake exactly the same paper test. As a student progresses through the test, their path will get harder or easier depending on the ability of the student. This provides schools with richer, more targeted and detailed information on what a student can do. Tailored testing better responds to the needs of all students, including those students with disability. It is expected that adjustments available for NAPLAN now, or comparable adjustments, will be made available for students with disability to allow them to access NAPLAN tests online.

One of the key questions that have been discussed by ministers and educators around the country is about the capacity of year 3 students to undertake aspects of the NAPLAN test in an online format. Questions have focused on the capacity of year 3 students to undertake a writing assessment using a keyboard as compared to a pen and paper: are they able to undertake the test in the same time frames and is the quality of what they can produce as high? I can understand these concerns, however there has been a lot of research reviewing the ability of year 3 students to undertake this test.

It is important to remember that the writing test is not about handwriting skills, and nor is the NAPLAN online testing about touch typing skills. Rather, the writing test is an assessment of things such as text structure, ideas, vocabulary, sentence structure and punctuation and spelling. It is expected that there will be variations in how fast and well a student can type, just as there are now variations in how fast and well a student can write by hand. Students will have sufficient time to complete the writing test, regardless of whether they complete it by hand or by keyboard.

While many online assessments both in Australia and overseas have not shown any disadvantage relating to keyboard skills, ACARA, with the support of jurisdictions, is conducting its own research in this area within the specific context to NAPLAN online. The purpose of this research is to provide an evidence base for education ministers, education systems and the broader community about delivering NAPLAN in an online environment.

Moving to NAPLAN online should not be a catalyst to emphasise keyboard skills over handwriting skills in the classroom. It is still important in today's world that our students learn how to handwrite, but ACARA's research has shown that teaching to the Australian curriculum adequately prepares a student for participation in NAPLAN online, including the teaching of computer skills which prepare students for the online assessment process.

The move to online or computer-based assessment is a natural outcome of the increasing use of information and communication technologies in classrooms across Australia. Similar to the current paper NAPLAN tests, the best preparation for students to undertake a NAPLAN online assessment is good teaching consistent with the Australian curriculum.

The online national assessment platform is being built by Education Services Australia with state-of-the-art security protections and will be used to trial online assessment in 2016. An important part of getting information back to schools and parents more quickly is the use of automated scoring, which will be used across all of the NAPLAN assessments, including writing.

Research by ACARA to date has shown that automated essay scoring is effective for writing programs such as NAPLAN and that it produces comparable and consistent scores when compared with human markers. ACARA's ongoing research is ensuring that automated essay scoring will be incorporated fairly for all students. As part of validating its robustness, in 2017, the first year of NAPLAN online, 100 per cent of

all writing assessments are proposed to be both automated and human marked. This double marking will provide surety for students undertaking the tests, and also validate the marking system for future use.

The ACT has undertaken significant planning, development, training, research and trialling, and this work will continue to ensure we are ready to move NAPLAN online. However, we will not be jumping in blindly to NAPLAN online without testing systems, school processes and student interactions with the system. Once the systems testing in August is complete we will have more information about how the NAPLAN online processes work and whether the outcomes for students and schools are as good as anticipated.

I would hope, pending a successful trial and some further information around those key areas that I have highlighted today, that the ACT will be in a position to move confidently to NAPLAN testing online in 2017. I will endeavour to keep members of the Assembly updated on this work as best as possible over the next few months.

I present a copy of the statement and move:

> That the Assembly take note of the paper.

MR DOSZPOT (Molonglo) (10.56): Madam Speaker, I would like to take this opportunity to comment on the Minister for Education's statement on the rollout of NAPLAN online. NAPLAN has been and is a useful tool to track students' progress over a period of years. It has not been without controversy—from the objection of schools and the AEU to the interpretation and publication of students' results done by the *Canberra Times* and the sometimes erroneous reflection of the school's worth by the league table rankings.

Over the years, successive education ministers have proudly announced the number of students within the ACT education system that have topped or exceeded the national averages, and not just in one year but in successive years. I well understand and recognise the importance of applauding our students who do well in whatever field. However, I am probably also on record each and every time NAPLAN results come out as questioning what is being done for the percentage of students across numerous schools who are below the national average. I think that to this day we are not doing enough to bring those students up to at least national averages. I also recognise that there are some schools that have done some remarkable work in addressing the slower achievers, and those teachers are to be commended for the hard work that they have put in.

I think moving NAPLAN online is a sensible progression as it will deliver results faster and provide the necessary tools for teachers to assess where their classes are tracking and what they need to do to lift their results as required.

I inquired during the estimates committee hearings as to what support had been offered to or sought by non-government schools to facilitate their delivery of online NAPLAN testing. The minister, in a written response, said, "The Association of Independent Schools and Catholic Education Office are key members of the ACT's NAPLAN Online project Governance Board. This Board will assess the

ACT's readiness to move to NAPLAN online." Further on the minister said, "The Education Directorate has provided NAPLAN Online technical and training support to all schools across the ACT."

On the face of it, that sounds all well and good, and it appears that all education sectors in the ACT are working well towards NAPLAN online implementation. However, I asked the minister about support for non-government schools because in an ACT budget submission the AIS said, "With the commencement of NAPLAN Online in the very near future … it would be prudent of the Government to ensure that all schools will be able to participate in this National Assessment to the same degree. The Association seeks support from the ACT Government to provide funding to ACT Independent Schools to lift each school's access to broadband network to the level of ACT Government Schools." That says clearly to me that the ACT AIS has asked government for funding because it doubts it can be ready, while the Minister for Education is saying everything is okay.

I do not know whether this is just another piece in the Greens' strategy of furiously paddling as fast and as far away as they can from ACT Labor government policies, but as it stands the ACT government, in its collective entirety, has a request before it for some support and the Greens education minister is saying they have all they need. Perhaps this is another example of Minister Rattenbury saddling up his white charger bike to come to the rescue of independent schools and save them from the mean, nasty Labor government who will not help non-government schools get to NAPLAN online in a timely manner.

I hope that NAPLAN online can be rolled out successfully in the ACT, because this is the best and most logical jurisdiction to trial it in. However, I also note that if there are problems with broadband access in some of our non-government schools, surely it is appropriate and sensible that they also receive the support required to ensure their implementation and online capability.

Question resolved in the affirmative.

National disability insurance scheme
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) (11.00): Madam Speaker, I am pleased to provide the Assembly with a progress report on the implementation of the national disability insurance scheme in the ACT.

When I became minister for disability, one of my first tasks was to table the fourth six-monthly update on the role of ACT government under the NDIS, of February 2016, here in this chamber. Since 2013, the ACT has been preparing for the implementation of the NDIS, and we are on track to be the first jurisdiction to accept all eligible residents into the scheme by the end of the first quarter in 2016-17. During the transitional period, the ACT government never lost sight of the fact that the implementation of the NDIS will transform the way Canberrans living with disability are supported to live their lives how they choose to.

With the ACT's transition to the NDIS we are fundamentally reforming the way disability services are funded and delivered. The cornerstone of the NDIS is that of choice and control. This means the market needs to respond to the diverse needs and preferences of people with disabilities.

During this fundamental reform the ACT government has focused our efforts on supporting the 59,200 Canberrans with disability living in the ACT. Disability ACT remains committed to providing the best possible support to eligible clients, guardians, carers, family members and supporters. I am proud to say we are certainly on the road to ensuring that all eligible participants will have appropriate access to NDIS supports.

This has been a collaborative process, as improving the lives of people with disability is the responsibility of all members of a socially inclusive society: families, carers, support workers, employers, community organisations, non-government organisations, community members and government.

Members would be aware that the National Disability Insurance Agency publishes ACT participant numbers for each quarter of the trial. These figures continue to show that the ACT is outperforming other trial sites. For the seventh quarter, the figures for which were published in March 2016, the NDIA achieved 94 per cent of the ACT bilateral agreement target.

I am pleased to advise members that the ACT NDIS trial is progressing extremely well, with all eligible ACT participants on track to be in the NDIS by the end of the first quarter in 2016-17, in line with our commitment under the bilateral agreement for the NDIS launch.

With the implementation of the NDIS in the ACT, people living with disability in Canberra will be provided with a range of supports. This includes support to engage with education and training; participate in recreation, sporting and social events; and live independently.

We know that the transition to the NDIS has been a major change for community organisations and individuals across Canberra. However, we believe the lives of Canberrans living with disability will be better for these changes.

The implementation of a sector development program which focuses on the capability of community organisations in areas such as governance, financial management, collaboration and strategic risk planning began early in our NDIS trial. The ACT NDIS Taskforce will continue to deliver this program, with focused and intensive support for shared learnings, collaboration and strategic alliances across disability and non-disability organisations in the community sector.

In April 2016, I attended the launch of the report on the economic benefits of the NDIS in the ACT, commissioned by National Disability Services and Every Australian Counts, which outlines the economic benefits of the NDIS in the ACT. The report estimates that the benefits of $367 million annually will be contributed to the

ACT's gross state product and, thus, be added to our economy annually, because of the NDIS. This translates to practical outcomes for our community. It means real jobs for people with disability, real jobs for carers and also more work in the disability sector.

In terms of transitioning clients, we planned a gradual intake as people entered under the three streams—adults, children and people living in group homes—thus ensuring that the NDIS is sustainable and equitable for all people with disability in the ACT. In 2015, we transitioned all eligible school-age children, 49-year-olds to 62-year-olds and people living in group homes where the youngest resident is between 26 and 36 years old. In 2016, we have targeted our transitional supports to those people with disability aged 20 to 48 and people living in group homes.

The individualised care and support provisions that are provided through the NDIS have helped ensure and will continue to help ensure that people with long-term disability have access to appropriate services that they need in order to fully participate in all aspects of life. Disability ACT have worked one on one with their group home residents and their families to support them to make decisions about their future support arrangements as the ACT transitions individuals and group homes to non-government service providers.

The dedicated team at Disability ACT continues to prepare residents and their families for NDIS phasing and transition to the non-government sector. They have developed a model transition pathway and are providing one-on-one support to residents and their families to prepare an individual plan that outlines the residents' goals and visions and future requirements for clients.

I am pleased to report that as at 30 June 2016, 44 households have already transitioned to non-government organisations. This represents 80 per cent of Disability ACT group homes. I was pleased to have members of the Disability ACT team tell me about the emails and cards they have received thanking the working together team for supporting the residents of Disability ACT's group homes and their families to phase into the NDIS and transition to community-based accommodation services.

One particular client shared a house with two other people and received support 24 hours a day, seven days a week. The working together team worked with the individual and the client's family to explore alternative living arrangements. I am pleased to inform members that the client now lives independently, with targeted supports for about five hours a day. The client is building new skills and challenging perceptions about their ability. I would like to read a quotation from this client's family in regard to his transition: "I and my parents would like to say a proper thank you very much for all the efforts you have given us to move my brother from the old system to the NDIS. We know it wouldn't have been easy nor smooth if it weren't for your help all along."

Not only have we changed the lives of individuals; there has also been significant change for our providers. I would now like to take a moment to read a testimonial received from one of the providers that have taken on the support for some of the

houses previously supported by Disability ACT: "I could not in my wildest and most optimistic dreams (and I am a great optimist) have imagined that in less than a year 14 houses would have transitioned to our service. This could not have happened without a genuinely cooperative approach being taken by Disability ACT. It also could not have happened without large numbers of suitable Disability ACT hands-on staff being willing and able to change employers, and again I thank and commend Disability ACT for your approach for enabling this to occur."

We have been preparing the ACT government for service withdrawal due to the NDIS. The ACT government, through the work of the Disability ACT team, has transitioned specialist disability services to the community sector since 2014. This includes the early intervention services, which transitioned in late 2014; Therapy ACT, which will transition by the end of this year; and Disability ACT supported accommodation, which will transition by mid-2017. Another example of how we have successfully transitioned is that since April 2016, Therapy ACT referrals have continued to decline, with no new referrals being accepted after 17 June 2016, due to their wait list having been cleared.

I am pleased to update members on the ACT Child Development Service, which commenced in January 2016. The ACT Child Development Service provides supports for families who are ACT residents and have concerns about their child's development. To date, over 390 families have accessed this service, with drop-in clinics located at the child and family centres in west Belconnen, Tuggeranong and Gungahlin and also at the child development centre in Holder. New referrals for allied health services totalled 260 for the period January to March 2016.

The number of providers also continues to grow. When the ACT entered the NDIS trial in 2014, 64 specialist providers were identified as affected by the NDIS. Today over 200 providers are registered with the NDIS to deliver disability services in the ACT.

Service providers will continue to be available to give people with disability the opportunities to make their own decisions. Providers are working with families and carers to support them to make the best decisions on behalf of their loved one, while staying as true as possible to the philosophy of the NDIS, that the person with disability is central.

Since 2014, the ACT government has had a shared responsibility between governments, directorates, disability service providers, people with disability, carers, guardians and mainstream providers to ensure that the ACT was ready to provide a transition to the NDIS that was as seamless as possible. You have heard me report on the role of government in regard to our transition. You have also heard powerful testimonials showcasing the success of our transition.

This government has remained committed to improving the outcomes of people with disability. The government, in partnership with the National Disability Insurance Agency and our community partners, will continue to ensure the delivery of a broad range of services and programs that support people with disability to have control in what supports they need and live the life they choose to.

I present the following paper.

> National Disability Insurance Scheme—Implementation Report and Role of the ACT Government—Six monthly report—June 2016—Ministerial statement, 2 August 2016.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

A step up for our kids
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) (11.12): Madam Deputy Speaker, as the Minister for Children and Young People, I thank you for the opportunity to speak to the Assembly today. I am very pleased to provide an update on the training and development available under a step up for our kids—one step can make a lifetime of difference—the ACT government's new five-year strategy to reform the out of home care system in the ACT.

Since the strategy was launched on 22 January 2015, most of the elements of the strategy have been put in place. During the June sitting this year, I provided the Assembly with an update on the implementation of a step up for our kids, which focused on the programs by Uniting, who work intensively with vulnerable families to help them develop skills to parent their children safely.

I was pleased to recently attend the opening of Uniting's Children and Families ACT service and hear firsthand from a parent who had participated in their program just what it had meant for him and his family. I also provided the Assembly with an update on the progress of the birth family advocacy service, which supports parents when they are engaged with child protection.

Today I would like to provide an update of the work we have commenced under the strategy to develop a trauma-informed, therapeutic culture across the sector. This work involves training and development with carers, Child and Youth Protection staff, staff from our non-government agency partners, as well as changes in the way we identify what therapeutic supports children coming into care need. All this is aimed at ensuring that any adult caring for or involved with children and young people in care understands that trauma has had a significant impact on the child's life and to help adults create a sense of safety and stability for children, focusing on their developmental age and building safe and secure relationships to help healing.

But what does it mean to be trauma informed, and what impact can therapeutic care have on a child or young person who has experienced trauma? To articulate what better supported and informed responses look like when responding to a child who has previously experience trauma, I provide the following example.

Lisa is a 10-year-old girl who entered care after experiencing serious and sustained neglect and now lives with a foster carer. This neglect has had a lasting impact on Lisa, in the way she expects to have her needs met by the adults around her and the way she forms relationships with people. Because Lisa's needs were not met in a consistent and predictable way when she was little, she has learnt that adults cannot be relied on to help her and support her through difficult times. Lisa also struggles with her emotions and to make and keep friends.

After an argument with her friends; she comes home from school and is very upset. Her carer's immediate reaction might be to ask what is wrong, and then give Lisa time alone to calm down and then ask again later if she wanted to talk about what had happened. But for Lisa, this approach makes her more upset, resulting in sobbing for hours, having problems sleeping and appearing more "disconnected". Giving Lisa time to calm down before discussing what is upsetting her might be a reasonable response. However, because of Lisa's past experience, being left alone when she is so upset reinforces for her that adults are not reliable and will not support her through difficult emotional times.

A therapeutic response is informed by an understanding of Lisa's experience and response to trauma. In this example, a therapeutic response was to provide Lisa with some "time in", where the carer sits quietly with Lisa, without talking, reassuring her first that she was physically and emotionally safe; maybe giving Lisa's hand a massage and slowly helping her to calm down. The carer does not rush Lisa and shows her that she is present with her, and able to help her manage through these difficult feelings.

As you can see from this example, carers are at the heart of the out of home care system, and so the training and development program under a step up for our kids has prioritised improving the way we support carers to undertake their caring role.

I am proud to say the ACT is one of the only jurisdictions in Australia that has provided, and continues to provide, potential foster carers with an accredited training program. This training program, called positive futures caring together, equips foster carers by giving them an understanding of child abuse and neglect, the key tasks of fostering and responding to behaviours. The training program has been further enhanced to provide carers with information about the impact of trauma and how to respond therapeutically to the needs of children and young people in their care.

The training was previously coordinated and delivered through the Community Services Directorate. Under a step up for our kids, this responsibility now transfers to ACT Together who will continue to provide accredited training that will also be available to kinship carers. A further training and development program has been developed under the strategy to embed and sustain the cultural shift across the workforce required to develop a truly trauma-informed, therapeutic service.

In September 2015, the directorate engaged the Australian Childhood Foundation, a nationally respected training organisation, to provide trauma-informed care in practice, specialist training to kinship and foster carers and agency and government staff. The

course has been tailored to provide the foundational skills needed to provide therapeutic care as well as a more advanced course for carers or staff with existing expertise and experience. To date, 65 carers and 95 staff have attended these courses.

Further to this, in the ACT, like other jurisdictions, there is an over-representation of Aboriginal and Torres Strait Islander children and young people in care. The experience of trauma and intergenerational trauma is unique for Aboriginal and Torres Strait Islander children and families. In recognition of these facts, courses specifically for Aboriginal and Torres Strait Islander carers and carers looking after Aboriginal and Torres Strait Islander children have been developed and will be running this year.

Once this program has been completed, again our partners, ACT Together, will work with the Community Services Directorate to build an ongoing program of carer and staff support and training. The directorate, Uniting and ACT Together will develop and train people with high levels of expertise in positions of influence across their organisations to work as trauma-informed practice partners. These experts will be available to provide ongoing support for carers and staff as they develop their skills in providing trauma-informed care.

There are two services who work with a child's support network and wider service system to build capacity to better meet the child's developmental and therapeutic needs. The first, Melaleuca Place, was established in 2014. This service provides intensive assessment and intervention for children aged 0-12 presenting with symptoms consistent with developmental trauma. The service provides children with therapeutic support to heal from their traumatic experiences and achieve optimal development.

The second is the therapeutic assessment team. Under the strategy each child in care will receive a therapeutic assessment. The therapeutic assessment and planning service commenced in October 2015. Specialist assessors have started to assess children and young people coming into care. This assessment helps to identify techniques, supports and services that will help carers and those who know the child well to provide therapeutic support. Both Melaleuca and the therapeutic assessment team provide real-time support and education to help carers tailor the theory into practical action.

In response to the ongoing Royal Commission into Institutional Responses to Child Sexual Abuse, the directorate has developed two specialist training packages relating to domestic and family violence and sexual abuse for front-line Child and Youth Protection Services' staff. These training packages have been developed and presented in partnership with key organisations, including the Domestic Violence Crisis Service, ACT Policing, Corrective Services and the ACT Director of Public Prosecutions. The training incorporates providing a trauma-informed response to cumulative harm, screening and interventions, working with and engagement of the perpetrator, working with the non-offending parent, recognising violence and the impact on children and coercive control.

So, back to Lisa, under the initiatives through a step up for our kids, Lisa's carer understands it will take time for Lisa to create a new relational template and that her

consistent and nurturing approach to caring is absolutely vital to Lisa's recovery. Lisa's carer regularly talks with her case manager and her therapeutic adviser, who all understand and work out together how to best care for Lisa.

For Lisa, her carer has been talking with her about how to make friends, and providing some very practical advice about how to start and keep relationships. She is less isolated now at school and has started to play soccer with some of her friends.

I am committed to the need to embed a therapeutic trauma-informed culture across the entire out of home care system for children and young people who are in care now, and for their children. I am committed to breaking the intergenerational cycle of trauma and providing young people leaving care with better life opportunities and outcomes. This will take time. Cultural change of this magnitude will take years, but for children like Lisa and the carers who know and love her, it is a commitment we will continue to pursue. I present the following paper:

> Out of Home Care Strategy 2015-2020—*A Step Up for Our Kids—One Step can make a Lifetime of Difference*—Training and Development program—Update—Ministerial statement, 2 August 2016.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Justice and Community Safety Legislation Amendment Bill 2016 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.23): I move:

> That this bill be agreed to in principle.

I am pleased to present the Justice and Community Safety Legislation Amendment Bill 2016 (No 2) today. The amendments in this bill are designed to improve the operation of legislation in the Justice and Community Safety portfolio. The most significant amendments in the bill are those which remove the limitation periods for personal injury claims arising from child sexual abuse in an institutional context.

In its final report, *Redress and Civil Litigation*, the Royal Commission into Institutional Responses to Child Sexual Abuse recommended that state and territory governments should introduce legislation to remove any limitation period that applies

to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context where the person is or was a child. This bill adopts these recommendations in full.

Through extensive consultation, the royal commission has concluded that "limitation periods are a significant, sometimes insurmountable, barrier to survivors [of child sexual abuse] pursuing civil litigation" for damages for their injury and loss. Typically a survivor might not come forward with their story of abuse for many decades. There are many other barriers to justice for survivors of child sex abuse which the royal commission is exploring, and which may require a range of social as well as legal changes to overcome.

Turning to the provisions in the bill, part 2 and 3 of the bill contain amendments to the Civil Law (Wrongs) Act 2002 and the Limitation Act 1985 which remove the existing limitation periods for personal injury claims. There will no longer be any limitation period for a cause of action that substantially arises from sexual abuse which the person was subjected to when the person was a child in an institutional context. These amendments will allow these survivors to bring claims no matter when the abuse occurred, even if it was decades ago.

At this stage it is clearly apparent that the limitation periods across Australian statute books are a concrete and inflexible barrier to stop any action by these survivors to seek compensation for the damages that they have suffered. The ACT government has decided to act to remove this barrier by removing the existing six-year time limit for bringing an action to seek compensation for sexual abuse suffered by children in institutional contexts.

The change will apply to liabilities that arise in tort, or through contract or any other cause of action including breach of statutory duty, and will have immediate and retrospective effect allowing historical claims, which may have been previously barred, to be brought forward as soon as this law commences.

The bill expressly preserves the courts' relevant existing jurisdictions and powers to stay proceedings, for example where the defendant is unable to obtain a fair trial. This provision reflects recommendation 87 of the royal commission report.

Institution and institutional context are concepts defined broadly in the bill and will cover a wide range of people in both public and private bodies, organisations, or entities of any kind whether incorporated or not. It will cover, for example, non-government organisations or businesses that provide activities, facilities, programs or services through which adults or officials of an institution have contact with, or responsibility for, children. This will also mean that the actions of employees, contractors and volunteers for the institution will also be covered.

Sexual abuse is widely defined to include any offence or misconduct of a sexual nature and will also include witnessing the sexual abuse of another person.

This broad coverage of the amendments mirrors the wide coverage of the Reportable Conduct and Information Sharing Legislation Amendment Bill 2016. This bill, which was introduced in June this year, sets up a similarly broad oversight and monitoring regime for any occasion of reportable conduct including abuse, by any officer, employee or contractor of a designated entity which includes health service providers, childcare and education providers, and kinship and foster care organisations.

Together these amendments send a strong signal that institutions will not be able to hide or cover up allegations or instances of child sex abuse. The amendments to the limitations period in this bill therefore will encourage more survivors to seek redress and justice through civil proceedings. The amendments respond to the royal commission's call to address this issue as a priority. The ACT will need to work with stakeholders and other jurisdictions as it considers other recommendations that flow from the royal commission's very important work.

The bill also makes a minor correction to the Supreme Court Act 1933 to insert the word "on" to make it clear that the recent amendments to allow for retrial in exceptional circumstances apply where the acquittal occurs on the day the Supreme Court Amendment Act 2016 commenced, not just before or after that day.

Finally, the bill makes amendments to increase the Victims of Crime Act 1994 victim's services levy to improve the capacity of the territory to support victims of crime under the recently introduced and improved victims of crime financial assistance scheme. The increase is from $40 to $50 when the bill commences, and then to $60 from 1 July 2017.

There are two safeguards to protect vulnerable individuals and groups against undue hardship potentially caused by increasing the victims services levy. The first exists at the court level. Under the Victims of Crime Act, the court may exonerate the person from liability to pay the levy if satisfied in the circumstances that paying the levy is likely to cause undue hardship.

The second safeguard is contained within the Crimes (Sentence Administration) Act 2005, which details the process by which the levy and other court fines can be collected. Any enforcement action can only be taken with a fine enforcement order which can only be made if the court is satisfied that the order would not be unfair or cause undue hardship on the defaulter or another person and that it is in the interests of justice to make the order. I commend this important bill to the Assembly.

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

Public Health Amendment Bill 2016

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

Title read by Clerk.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport Canberra and City Services and Assistant Minister for Health) (11.32): I move:

That this bill be agreed to in principle.

It is with pleasure that I introduce the Public Health Amendment Bill. This bill amends the Public Health Act 1997 to improve the government's public health response to alleged insanitary conditions occurring in residential areas. The bill, in improving public health measures, seeks to lessen the serious public health and community risks associated with the management of insanitary conditions.

An insanitary condition is a condition that is reasonably considered to be or likely to become a public health risk and generally at odds with acceptable community standards. These conditions can be caused by a number of factors, including compulsive hoarding-like behaviours, squalor, neglect or the keeping of many animals in poor conditions.

Properties that suffer from an insanitary condition may pose public health risks, such as the production of offensive odours and increased vermin and insect activity. In residential or highly urbanised areas, insanitary conditions can have dramatic impacts on neighbouring residents including diminished urban amenity and freedom to enjoy their own home and property.

In recent months the ACT government has responded to insanitary conditions caused by the accumulation of perishable food and the keeping of numerous domestic animals in poor conditions. In one instance ACT Health officers removed a large quantity of rotting food waste from a single property. The decomposing food waste produced offensive odours, attracting insects, rats and mice and was affecting the quality of life of neighbouring residents.

In acknowledging that residential insanitary conditions present both a public health and a community concern, this bill will lessen the potential of public health risks of recurring insanitary conditions caused by hoarding-like behaviours and domestic squalor through an improved public health response.

Managing the public health risks of insanitary conditions can often be complex as the conditions normally occur on private property and can involve more than one person. Where a person fails to address an insanitary condition, authorised public health officers can issue the responsible person with an abatement notice which directs a person to remedy the condition through measures such as cleaning the property or removing or relocating excess waste.

In extreme circumstances, where there is a public health risk that is not remedied by the property owner, the Chief Health Officer may seek an abatement order from the ACT Magistrates Court to guarantee compliance with an abatement notice. The current process of seeking and implementing an abatement order is a lengthy one, which consequently means that an insanitary condition might continue without

intervention for several months after a complaint has been received. This lengthy process is considered to leave occupants, neighbouring residents and the broader community exposed to a prolonged public health risk in addition to diminished urban amenity and community sentiment.

This bill will enable the Chief Health Officer to apply to the ACT Magistrates Court to consider issuing a subsequent abatement order to remedy an insanitary condition if it re-emerges as a public health risk within 12 months after an original order is issued.

In deciding whether or not to issue an abatement order, the ACT Magistrates Court has independent consideration to the alleged insanitary condition, actions taken by the property owner, and any government interventions. The Chief Health Officer will also independently review any decision to apply for an abatement order from the ACT Magistrates Court in consultation with relevant government and non-government agencies.

The bill will enhance regulatory transparency associated with the management of insanitary conditions by allowing the minister to determine a code of practice for the Chief Health Officer in dealing with insanitary conditions caused by hoarding-like behaviour or domestic squalor. This will ensure that the Chief Health Officer, in undertaking any public health intervention relating to insanitary conditions resulting from hoarding-like behaviours or domestic squalor, must consider human rights and social implications resulting from such a decision.

The code of practice will ensure that abatement orders will continue to be used only as a measure of last resort and when in the public interest. The code of practice will also include an internal review process, whereby a complainant may request an ACT Health review of the decision to implement an abatement notice or abatement order.

To ensure that government responses to insanitary conditions continue to be conducted in the best interests of the public and the property owner or occupier, the ACT government has established an intergovernmental working group to provide operational advice on the management of hoarding and squalor, including the use and implementation of abatement notices and abatement orders. This group includes representation from all relevant areas of government and non-government organisations, such as ACT Housing, ACT Fire & Rescue, ACT Mental Health and Access Canberra.

While residential insanitary conditions only impact a small number of people, they can present a significant public health and community issue. I should reiterate that the measures outlined in this bill will not eliminate the occurrence of insanitary conditions in the ACT. However they will improve ACT Health's ability to better manage the public health impacts of hoarding-like behaviours in line with best practice methods in other states and territories.

The ACT government is committed to ensuring a best-practice approach is taken to manage cases of insanitary conditions in residential areas and will continue to facilitate a multi-agency approach. All relevant government agencies and non-government organisations will continue to provide operational advice on

managing instances of hoarding and squalor under the Public Health Act 1997 to ensure that regulatory actions are only employed when in the public interest and as a measure of last resort.

In line with the government's commitment to transparency and accountability, this bill will also help to improve community awareness and understanding about the complex public health and social issues and ACT Health's management of insanitary conditions.

The bill also makes a minor change to the offence structure for causing or allowing an insanitary condition. The current provision is considered impractical as it requires that the person responsible for the insanitary condition believe it to be insanitary and that this belief be objectively proven. The bill will update this offence so that an insanitary condition is one that an "ordinary reasonable person" would consider insanitary. This construction takes a more practical approach and better aligns the provision with the interpretation that an insanitary condition is generally considered as being offensive to acceptable community health standards.

The bill makes minor changes to existing administrative processes under the Public Health Act 1997 and in doing so will provide public health and community benefits relating to recurring insanitary conditions. The bill marks another milestone in achieving the ACT government's priorities of liveability and opportunity and being a healthy and smart community. I commend the bill to the Assembly.

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

Reportable Conduct and Information Sharing Legislation Amendment Bill 2016

Debate resumed from 9 June 1916, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (11.39): I am pleased to have the opportunity to speak today about the Reportable Conduct and Information Sharing Legislation Amendment Bill 2016. The bill is an act to amend legislation about reportable conduct and information sharing and for other purposes. The bill introduces a reportable conduct scheme to improve reporting and oversight of allegation of misconduct by an employee or volunteer against children in organisations with a duty of care to children and young people. The bill amends the Ombudsman Act 1989, the Children and Young People Act 2008 and the Working with Vulnerable People (Background Checking) Act 2011.

I say at the outset that the Canberra Liberals are supportive overall of this bill. We support better information sharing to protect children and young people in our community. Earlier this year in March we debated a motion about information sharing and care and protection in the context of family violence. At that time we spoke about the need for better information sharing between care and protection and other ACT government directorates and agencies as well as interstate and other jurisdictions that will only improve outcomes for vulnerable children and young people.

Back in March I highlighted that we have already had several reports containing recommendations about the need for better information sharing. For example, recommendation 7 of the Domestic Violence Prevention Council's report to the Attorney-General states:

> That the ACT government considers allowing information sharing between agencies (Government and non-Government) within integrated responses, with appropriate safeguards, particularly where a risk assessment indicates it is important for the purpose of protecting the safety of the victim and their immediate family.

Not long afterwards, we had the Glanfield report, the *Report of the inquiry: Review into the system level responses to family violence in the ACT*, led by Laurie Glanfield AM and handed down in April this year. The Glanfield report made a number of recommendations, including that legislative provisions should be made in the ACT in relation to family violence more broadly, not just in relation to children, to clearly authorise information sharing and to foster a culture of appropriate information sharing and collaboration. That was recommendation 18.

This was yet another report to tell us we need to make changes to achieve better information sharing between government agencies and directorates and non-government agencies to protect children and young people. Today, at last, we are seeing some changes coming into effect.

The bill amends the Ombudsman Act 1989 by creating a new division that expands the scope of the Ombudsman's authority to monitor the practices and procedures of designated entities for the prevention of reportable conduct and for dealing with reportable allegations or convictions involving an employee.

In an estimates hearing on 21 June this year the ACT Ombudsman, Mr Colin Neave, spoke about the need for more staff to get the scheme up and running: page 349 of the estimates transcript of 21 June. We will be watching the implementation of this bill closely, in particular, whether or not there is duplication between what the Ombudsman does and what agencies do in conducting investigations under the new scheme and whether the Ombudsman has adequate resources to fulfil its new responsibilities under the bill, which was what was discussed in the estimates hearing.

I look forward to the minister's response also to scrutiny report No 46 which raised several issues which it recommended the minister respond to, including the lack of detail surrounding how the Ombudsman must conduct an investigation, disclosure of information to police, and privacy and reputation of a person being investigated.

The amendments also allow the director-general responsible for the Children and Young People Act and a responsible person for approved care and protection organisations to provide information to the Commissioner for Fair Trading for the purposes of exercising their functions under the Working with Vulnerable People (Background Checking) Act. The bill will enable information to be shared between designated entities that exercise supervision and care for children and young people.

We support greater information sharing to protect children and young people. This is an issue that had been raised with me previously with respect to the Working with Vulnerable People (Background Checking) Act. The amendments to that act will require designated entities to comply with the requests from the Commissioner for Fair Trading for information or advice that will help to conduct a new or ongoing risk assessment under the working with vulnerable people card scheme.

In November last year I had a roundtable with a number of organisations regarding the Working with Vulnerable People (Background Checking) Act. The feedback I received then included that better information sharing is needed between Access Canberra—the ACT government agency responsible for processing working with vulnerable people cards—and employers, sponsors, applicants and card holders.

One of the examples raised with me at that time was that some people may volunteer for more than one organisation. They may have their card revoked, if you like, with one organisation but there is not always suitable or appropriate information sharing with another organisation that the person might volunteer with. There are some administrative hurdles, and organisations who work with volunteers expressed their concerns about those.

In its scrutiny report No 46, the scrutiny committee also raised several issues in relation to privacy and recommended that the minister respond to those. Again, I look forward to that. We support better information sharing to protect children and young people. We cannot afford to use privacy as a shield or a reason for not disclosing relevant personal information that would protect children and young people. Providing people working in the field with greater clarity and guidelines and legislation that enables them to do that can only be a step in the right direction. The Canberra Liberals will be supporting this bill today.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (11.46): As the Minister for Education, I have the responsibility for three pieces of legislation and law that are integral to the development and wellbeing of children: the Education Act 2004, the ACT Teacher Quality Institute Act 2010 and the Education and Care Services National Law Act 2010.

The Education Act 2004 provides the legal framework for the establishment and operation of government schools and non-government schools. There are 44,831 students enrolled in government schools and 28,680 students enrolled in non-government schools.

The ACT Teacher Quality Institute Act 2010 requires all teachers who work in ACT schools to be approved by the ACT Teacher Quality Institute, in addition to requiring a current working with vulnerable people clearance. The institute ensures that registered teachers are actively engaged in ongoing professional learning and maintain high-level professional standards.

There are currently more than 7,500 teachers approved to work in ACT schools and there are over 24,000 children who attend a child care or an early childhood education and care service under the Education and Care Services National Law Act 2010. All combined, that is a total of over 95,000 children and young people aged from birth to 18 years old who are part of our education system here in the ACT.

On any standard weekday, many of these 95,000 children and young people will be in the care of one or more of a range of these organisations that I have just referred to. A child may be dropped off at a private early education and care provider in the morning, attend a government preschool during the day and then spend time with an after-school care family day care provider, for example.

These providers would have a regulatory framework that encompasses at least four regulatory frameworks and up to six government agencies if care and protection services and ACT Policing should become involved. In a school and education and care context, each regulatory agency has its specialised role but there is a common obligation that lies with each agency. That is the protection of children and young people.

The challenge for agencies is to be in a position to join up information and evidence in a timely way to protect children and to take action against those who harm children. This bill will go a long way to help meet that challenge. As the Minister for Education, who also has portfolio responsibility for some of these regulatory frameworks, I welcome any increased information sharing and safeguards to help keep our children safer.

The first goal of this bill is to centralise a record of incidents or allegations of harm from the wide field of entities and people who have responsibility for any form of care for children. I draw members' attention to clause 9, new section 17D of the Ombudsman Act 1989, which sets out the list of designated entities covered by the bill, as I have described.

For my portfolio, the effect of new section 17D of the Ombudsman Act 1989 will be that if reportable conduct is carried out by any teacher, educator, carer, staff member or other employee, then the governing entity has a legal obligation to report the conduct. It does not matter if the organisation is a government or non-government organisation, a community organisation or a commercial organisation. The conduct of any and every employee of an entity described in new section 17D is relevant.

The second goal of the bill is to ensure that any necessary protective action, inquiries or investigations are of a standard that gets to the truth of an allegation and enables action to be taken to protect children and young people. Critical to that goal and the effectiveness of the bill are the information sharing provisions. Cooperation between investigating and protection entities is critical to get the whole picture of an allegation or incident.

Sharing information and evidence is critical to demonstrate the whole picture of what may or may not have happened. The Australian Law Reform Commission also noted

in a report on Australian privacy law in 2008 that it had heard of numerous examples of agencies' and organisations' concerns regarding privacy laws as a barrier to sharing information.

More recently, this year the *Report of the inquiry: Review into the system level responses to family violence in the ACT* by Laurie Glanfield also recommended reform to improve information sharing. Mr Glanfield dedicated a chapter of his report to the issue of information sharing and he found that poor information sharing is an Australian and international problem. He found that there is considerable room for improvement in information sharing between child protection and family violence protection agencies. Mr Glanfield recommended legislative change to clearly authorise information exchange between relevant agencies and that the ACT foster an information sharing culture between agencies.

This bill goes a long way to answering those challenges. Clause 9, proposing new section 17H of the Ombudsman Act, would enable the Ombudsman to share relevant information with relevant agencies listed in the new section. If the Ombudsman can see a gap, or if an agency thinks there is a gap, the Ombudsman can facilitate that exchange of information to get the whole picture.

Clause 14 of the bill, proposing new sections 63A and 63B of the Working with Vulnerable People (Background Checking) Act 2011, enables the Commissioner for Fair Trading to share relevant information with relevant agencies and for relevant agencies to provide information to the commissioner. Again, the provisions facilitate the whole picture for protecting children while maintaining privacy within that circle of relevant agencies.

The convention on the rights of the child is applicable to the ACT through the Human Rights Act. It notes, by the reason of their physical and mental immaturity, that children need special safeguards and care, including appropriate legal protection. This bill advances the rights of children to be afforded the appropriate legal protection intended by the convention. The evidence is clear when we consider the sometimes tragic circumstance that arise when, as a community, we are not doing all we can.

Madam Deputy Speaker, the intent of this bill is to create a better framework for identifying harm to children, stopping and preventing harm to children and investigating harm against children. The implementation will take some time and the directorate will ensure that all agencies and entities that this bill impacts on are fully aware of their new responsibilities. Clearly the Education Directorate must play a role in helping to ensure that those agencies covered by this legislation are given the information they need to ensure that the implementation is effective. As Minister for Education, I make those comments with the areas of responsibility that I have portfolio coverage of.

I would also like to indicate, as the representative of the Greens, that we fully support this bill. We believe that it is an important reform. Unfortunately, there have been many cases shown where we need these sorts of reforms. I welcome the advocacy that has taken place to produce this bill. I think that we have seen a good clear case put to the Assembly. I welcome the fact that Mr Barr has introduced this legislation in response to that advocacy that has been brought to the Assembly.

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) (11.54): I welcome the opportunity to speak today on the Reportable Conduct and Information Sharing Legislation Amendment Bill 2016. At the centre of this bill is a need for improved information sharing to reduce the risk of harm to vulnerable people. It is responsive to several recent reviews that identify the importance of timely, effective information sharing when delivering effective protections for vulnerable people in our community.

The Royal Commission into Institutional Responses to Child Sexual Abuse observed in their working with children checks report that adequate information sharing is absolutely necessary to ensuring that protections are offered to children. The recent Glanfield inquiry into the system level responses to family violence in the ACT recommended improvements to information sharing between government agencies to achieve better outcomes for vulnerable people.

The bill acknowledges these findings and recommendations and concludes that the best interests of children are served by allowing the commissioner to give information to relevant agencies when it can be used to prevent harm occurring to a child or to a group of children. The bill introduces changes that empower key government and community agencies to work cooperatively and effectively to minimise risk of harm to vulnerable people.

Madam Speaker, as the Minister for Community Services I will be writing to several community organisations and service providers whose members and staff will need to be informed about these changes. A factsheet has been developed explaining the changes and what they mean for front-line staff and community organisations that may be affected by them. A copy of this factsheet and information about these legislative changes will soon be made available on the Access Canberra website. I commend the bill to the Assembly and I again thank the Assembly for the opportunity to speak on this matter.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (11.56), in reply: I thank members for their contributions and for their support of the bill. It will establish an effective reportable conduct scheme to protect children in institutions in the ACT. The need for a scheme of this type has been clearly identified by the Royal Commission into Institutional Responses to Child Sexual Abuse and has been supported by the Council of Australian Governments.

This new scheme has been modelled on one in place in New South Wales and adapted to fit the particular needs of the ACT. It will give the Ombudsman powers to oversee the way in which institutions respond to allegations of abuse or misconduct involving children by their staff. It will ensure that those people who mistreat or abuse children are identified sooner and that their actions are reported and properly investigated.

The scheme will apply to institutions that exercise the closest care and supervision of children including schools, care and protection teams, providers of services in the

fields of health, child care, foster and kinship care and residential care. These institutions will be required to set up reporting practices to ensure that the head of each institution is informed of allegations of certain types of behaviour by their staff. This behaviour may include ill treatment or neglect of children, sexual abuse and sexual misconduct and is collectively defined as reportable conduct.

I emphasise that this scheme does not alter or remove any existing reporting requirements, including those to police, Child and Youth Protection Services or professional standards bodies. Sexual offences are both underreported and difficult to prosecute. These challenges are particularly pronounced when it comes to matters involving children. Children are often abused by those they look up to, those they trust and those who have power over them. Victimised children often feel like they are not able to come forward because nobody will believe them or that they have nobody to tell.

The reportable conduct scheme will make sexual misconduct, including that which falls below a criminal threshold, reportable to the employer and by the employer to the Ombudsman. This misconduct may include crossing professional boundaries. This will ensure that well-meaning employees will no longer be able to rationalise or excuse the suspicious or borderline behaviour of their colleagues but will be required to report it to their employer. It is important that conduct outside of the workplace is also reportable.

Evidence before the royal commission has shown that child grooming that begins in institutions often happens outside the workplace too as the would-be abuser finds more ways to spend time near the child. While employers may lack the power to do thorough investigations into these allegations, it is important that they are recorded and essential that when they are informed these allegations are treated just as seriously as those that take place within work hours.

The scheme will ensure that these investigations are done properly and that employers have good processes in place so that they are informed of reportable allegations. The government considers the Ombudsman's independence and expertise in investigating maladministration and overseeing professional practices and procedures make this office the most suitable body to oversee this scheme.

Madam Deputy Speaker, at the most recent COAG meeting in April of this year I proposed that all states and territories progress work to develop nationally harmonised reportable conduct schemes. COAG agreed in principle that all states and territories will develop such schemes.

National harmonisation is very important because it will help ensure that children in all parts of Australia receive the same levels of protection and that no would-be abuser could stand to benefit by crossing state or territory borders. Equally important is the better retention and sharing of information. Evidence before the royal commission has shown that people who abuse children often move between employers to avoid suspicion. Unless criminal charges are laid, employers have no way of knowing what accusations their employees have faced, even when another allegation has been made.

It is important that under this scheme records are kept and that information can be shared between jurisdictions whose employees have direct supervision and care of children. So from now until the commencement of this legislation we will work with the relevant organisations to ensure that they have the systems in place to respond appropriately to notifications and to conduct investigations fairly, comprehensively and in a timely manner.

In closing my contribution in this in-principle stage, I would again like to acknowledge Damian De Marco who has joined us in the Assembly today for his tireless advocacy for the rights of victims of abuse within institutions and for his personal advocacy and support for this scheme. I also thank the Assembly for its support. The government is committed to the implementation of the scheme and to stronger information sharing for the better protection of children in our community. I commend this 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.

Safer Families Levy Bill 2016

Debate resumed from7 June 2016, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (12.03): The Safer Families Levy Bill amends the Rates Act to impose a safer families levy on all rural and residential properties in the territory. The stated purpose of the bill is to support initiatives to prevent violence against women and support the delivery of the ACT prevention of violence against women and children strategy for 2011 through 2017. The levy will be used to support integrated case management, training for front-line staff, improvements to the child protection system, and other initiatives designed to assist and protect victims of family violence.

The safer families levy will be applied to all rates bills in the same way as the fire and emergency services levy. In 2016-17 the levy will be set at $30 for every household. The budget shows that the government expects to collect $19.1 million over four years through this levy.

The opposition shares the government's concern over the issue of family violence. It is unacceptable that thousands of incidents are reported to police every year and that many more incidents go unreported. The Assembly has agreed to a bipartisan approach to tackling family violence. The Canberra Liberals support increased attention and funding for prevention and support activities.

The principle of raising money for this issue in the form of a levy, however, rather than finding money in consolidated revenue, is one that is, of course, interesting, and we have some concerns about it. Of course, using this argument, the government may seek to put in place many different household levies for many different worthy causes. However, we are in no way opposed to the government setting aside $19 million over the next four years to tackle family violence. We are pleased that the government is giving attention to this important issue.

Given that the government has chosen to raise this money through a levy, we believe it is especially important that the money is spent wisely on services that will actually help those who are in most need. In conclusion, the opposition will be supporting the bill, and we hope that the funds it raises will be used to provide meaningful prevention and support services to deal with family violence.

MR RATTENBURY (Molonglo) (12.05): The Greens will be supporting this bill, which amends the Rates Act 2004 such that a flat levy of $30 per household can be raised to fund the safer families package. The levy will raise $19.1 million over four years.

The recommendation for a hypothecated levy to fund support for domestic and family violence prevention came out of the Victorian Royal Commission into Family Violence, which said that Victoria's state-wide response to family violence should be dedicated funding for family violence primary prevention.

The levy is going toward good work, much of which has already begun: establishing the first full-time coordinator-general for family safety, to lead change and provide accountability across the service system; implementing a collaborative integrated approach to services through a dedicated family safety hub; authorising information sharing and collaborative practices via a new legislative framework; and developing a skilled and educated workforce, especially front-line staff, responding to the needs of adults and children experiencing family violence.

The government's safer families package has been welcomed by the sector as a significant commitment. It is certainly a great start, and even if there are further areas that could be included in the government's response, that does not impinge on the need for this money to be spent.

I am supportive, at this point in time, of the government collecting and allocating specific revenue. If this levy only seeks to remind us and the community of the priority of this work, I certainly support it. I think it is indicative of the focus the government must have on this area of policy and service delivery, and I hope that we continue to focus on it for many years to come, as I am sure that we will not achieve the culture change that is required in just a couple of years.

I continue to see evidence every week that we have not seen the changes in underlying attitudes to women and that we need to continue to challenge men on things that they say and do that demonstrate their disrespect for women. I remind the Assembly of a comment made by Victorian police commissioner Ken Lay. He said, "I place family

violence in a wider culture where vulgar and violent attitudes to women are common." We know that those attitudes are still present, that all of us are exposed to people who have those attitudes, and that we must all take responsibility to speak out when we see and hear those offensive and derogatory attitudes.

Indeed, it was only a few weeks ago, in the lead-up to the federal election, that these derogatory attitudes were on show from the Liberal senator's campaign team. I must say that I found Senator Seselja's response was weaker than I would have expected. In fact, he almost condoned the "boys will be boys" behaviour when he described it as "juvenile sorts of jokes". This is actually part of the problem: people excusing sexist and inappropriate commentary as a joke. I can tell you that it is no joke, and we must use the research that shows that attitudes must change before we see family violence rates drop. It is only when we get that true cultural change in the way people talk about women and when the so-called jokes are no longer tolerated that we will see a genuine change in the culture in Australia that leads to a reduction in family violence.

We have a role as members of the community, as men, as role models for our young people, to challenge the underlying attitudes that indicate risk factors in a society for ongoing domestic violence. I will be supporting the Safer Families Levy Bill today.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (12.08), in reply: I thank members for their contribution to the debate. As I made clear on the delivery of the budget, the ACT government is pursuing urgent action for safer families in the territory.

Increasing numbers of people are reporting family violence, with devastating effects across the entire community. The government has been responding in recent years to this challenge. The safer families levy provided for by this bill will fund a range of family violence prevention measures and improve the lives of ACT families.

As recommended by the Glanfield inquiry, the Domestic Violence Prevention Council Death review and the gap analysis conducted by the Community Services Directorate, the government should ensure sufficient funds to ensure victims have access to integrated and effective services.

This levy will raise around $4.7 million in the 2016-17 fiscal year and $19.1 million over the forward estimates period. The revenue will provide funding to establish a dedicated integrated service system for responding to family violence in the ACT. This revenue is being raised as a broad-based levy to ensure that it is imposed efficiently in economic terms. It is vital, in relation to ongoing tax reform, that the government maintains its efforts to minimise and abolish revenue lines that are recognised as inefficient. The general rates base is one of the most efficient revenue lines available to governments and it is a sensible path to direct new revenue initiatives towards that base.

As I noted on budget day in June, the amendments made by this bill have been implemented administratively through a disallowable instrument since 1 July. That instrument will be revoked as the new provisions take effect.

The safer families funding package will see a dedicated safer families team lead a whole of government effort to improve outcomes for victims of family violence and their families whilst working with government and community partners. Other important initiatives include the strengthening of integrated case management for family violence victims, enhanced quality assurance and decision-making in child protection, training for front-line staff, and assistance for ACT Policing to assist victims in applying for domestic violence orders.

Domestic and family violence claims the lives of more than 100 people in our country every year and causes enduring damage to individuals and to our society as a whole. The personal, social and economic costs of family violence are substantial and they are well documented.

Accordingly, a strong and ongoing commitment to ending family violence is required, through whole of government and whole of community action. This bill supports a comprehensive policy response to one of the most significant social issues that our country faces and it will provide a growth stream to fund this policy response. As the city grows, the funds available to the government will also grow to address family violence.

I commend the Safer Families Levy Bill 2016 to the Assembly and thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Rates (Pensioner Rebate) Amendment Bill 2016

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

> That this bill be agreed to in principle.

MR COE (Ginninderra) (12.13): The opposition will be supporting the Rates (Pensioner Rebate) Amendment Bill 2016.

Under the Rates Act, eligible pensioners can receive a rebate on their general rates and the fire and emergency services levy for their principal place of residence. Pensioners who were eligible for the scheme before 1 July 1997 were able to access an uncapped rebate. Everyone who became eligible for the scheme after l July 1997 could only access a capped rebate. The current cap is $700 per property. The government has advised that there are around 3,000 home owners in this situation.

This bill amends the uncapped scheme to change the rebate to become the lesser of the amount the person received as a rebate in the previous year or 50 per cent of their rates liability. This means that the rebate is capped at the level of the 2015-16 rebate. Over time the value of the rebate as a proportion of their rates will decrease and pensioners who are on a fixed income may face increasing rates at a level that they may struggle to pay. Therefore we call upon the government to make sure that they are keeping a watching brief on this situation and to ensure that people are not even more put out as a result of increasing rates in the territory.

The bill does not change the capped rebate scheme, and households under that scheme will continue to receive a 50 per cent rebate up to the capped rate of $700. The bill changes the fire and emergency services levy rebate from an automatic 50 per cent rebate to being determined by disallowable instrument in the future.

Although the opposition supports equity in determining rates for all households, we are concerned that the government sees home owners, and in this case pensioners, as a revenue source to be constantly drained when the government is having difficulty with its revenue and expenditure management. Therefore, the opposition does express some concern about this bill. We do express some concern about the intentions of the government in this space, and we hope that the government will be very careful in monitoring the situation to ensure that people are not put out even more as a result of the rates burden they are placing on Canberra families.

The opposition will be supporting the bill, with those considerations.

MR RATTENBURY (Molonglo) (12.15): Madam Speaker, the bill before us is a very small bill, but one which will have some impact for some pensioners.

The bill does two things. It freezes the fire and emergency services levy rebate at $98 for the 2016-17 financial year. I believe that freezing the fire and emergency services levy rebate is fairly uncontroversial. The $98 rebate covers half of the levy cost last financial year.

The other is freezing the level of the rebate cap available on rates for pensioners who have been on an uncapped rebate scheme since 1997. Most pensioners are on a capped rebate of 50 per cent of their rates; this rebate was capped at $700 per annum this year, although this amount is determined annually. However, the pensioners who have been eligible since 1997 have been on an uncapped scheme, receiving a 50 per cent rebate on their rates without any limit applied. This bill seeks to equalise those two pensioner rates rebate schemes by introducing a freeze for those previously uncapped pensioner rebates. The freeze will mean that if their rebates have been over $700, as rates rise their rebate will stay frozen at the current level of rebate they have been receiving. Madam Speaker, noting that this reform is an integral part of the budget and a reform that we support, the Greens will be supporting this bill before us today.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (12.16), in reply: I again thank members for their unanimous support of this legislation.

As announced in the budget, the government is making important investments to make sure that the most vulnerable members of our community receive the help they need. This includes investing an extra $35 million over four years in the territory's concessions program.

Expenditure on centrally administered concessions in the territory has been increasing at an average annual growth rate of nine per cent in recent years. There is no doubt that additional pressure has been placed on the ACT concessions program from the commonwealth government's very mean-spirited decision to cease annual funding of $2.2 million towards concessions in the territory.

The government has identified a range of options to improve the fairness and targeting of our program. Amongst these options is the restructuring of the general rates rebate.

As announced, the rates rebate for pensioners currently has an uncapped and a capped stream. The uncapped rebate is available to pensioners who entered the scheme prior to 1 July 1997; they receive a 50 per cent rebate on their total rates bill with no upper limit. Pensioners who entered the scheme after this date are on a capped rebate scheme where a rebate of 50 per cent is provided up to an annually determined rebate cap set at $700 in the 2016-17 fiscal year.

When the cap was introduced, the difference between the capped and uncapped concession was not significant. However, over the years, with increases in property values, inequality between the rebate amounts has increased, in some cases significantly.

In the 2015-16 fiscal year, for properties with an average unimproved value below $220,000, there was no difference between the value of the concession provided to a capped or uncapped recipient. However, at a land value of $525,000, an uncapped recipient received double the level of assistance to those in the capped program, while at a land value of around $780,000 an uncapped recipient received three times that of those in the capped scheme.

This bill addresses this disparity between the programs by essentially freezing the uncapped rebate amount that the 3,000 scheme participants are currently receiving. Moving forward, these applicants can also be transitioned to the capped scheme should their 50 per cent rebate fall below the determined rebate cap for that year. In this way, these recipients will not be financially disadvantaged, and the equity of the concessions program will be improved.

In addition to the general rates rebate, all eligible pensioners can access a rebate on the fire and emergency services levy. The bill also changes how the rebate for that levy is determined. Instead of eligible pensioners receiving an automatic 50 per cent rebate, in future the rebate will be determined by a disallowable instrument. In the 2016-17 budget, the rebate was set at $98.

As I noted on budget day, the amendments made by this bill have been implemented administratively, through a disallowable instrument, since 1 July 2016. Upon passage of this bill, that instrument will be revoked.

The bill allows the territory government to act in a fiscally responsible manner whilst achieving the right balance for home owners who need the most assistance. The funding boost provided to concessions in the territory budget reflects my government's commitment to a fairer, a more sustainable and a better targeted concessions program here in Canberra. 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.

Family Violence Bill 2016

[Cognate bill:
Personal Violence Bill 2016]

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

> That this bill be agreed to in principle.

MADAM SPEAKER: I understand that it is the wish of the Assembly to debate this bill cognately with executive business order of the day No 5, Personal Violence Bill 2016. That being the case, I remind members that, in debating order of the day No 4 executive business, they may also address their remarks to executive business order of the day No 5.

MR HANSON (Molonglo—Leader of the Opposition) (12.21): The Canberra Liberals will be supporting both of these bills. There are few areas of legislation in many ways that are more sensitive and complex than personal and domestic violence, and very few with more tragic consequences if we do not get it right.

The bills that we are debating today do attempt to address these most complex concerns in a comprehensive manner. However, the bills have attracted considerable comment and concern from some quarters. Whilst we are committed in this place to addressing concerns in this area we are also committed to doing so in a considered and comprehensive manner. This is one of all the areas where we need to make sure that good intentions do not lead to bad lawmaking. We need to remain ever vigilant. Therefore we have sought wide comment and feedback on the many detailed provisions in these bills and how the many complex provisions would come to be applied in an attempt to carefully assess the outcomes, especially unintended ones.

These bills are part of an ongoing process around the country as all jurisdictions deal with the scourge of family and personal violence. They build on recommendations made by the Royal Commission into Family Violence, the joint Australian-New South Wales Law Reform Commissions' report, the Australian Law Reform Commission's report *Family violence—a national legal response*, the Law Reform Commission's family law recommendations, and the Council of Australian Governments' recommendations.

The bill implements 22 recommendations from the ALRC report. In general, these recommendations address the following issues: firstly, the context and principles governing the operation of the legislation; secondly, applying, making, reviewing interim family violence orders, final family violence orders and after-hours orders, the effect of family violence orders and conditions attached to those orders, and national recognition of family violence orders.

The Bar Association, the Law Society and Civil Liberties Australia were invited to make comments, and the Law Society did provide a number of comments. In particular, the Law Society made comments about the breadth of the regulation-making powers contained in the bill and a broad range of matters to be dealt with via regulation.

We have noted those concerns, and the most difficult of those devolve into the following areas: firstly, cross-examination by a self-represented accused. Concerns were raised in particular about clause 63 that relates to the examination of witnesses by a self-represented accused person, and this is an example of where one principle, in this case that of a victim of domestic violence, should not be cross-examined by the very person who is alleged to be responsible for the abuse, against the other basic principle that any person starts with the assumption that they have done nothing wrong until another has proven that they have. This is a difficult area.

However, we also note that clause 63 in this bill does bring the system of family violence offences into a similar regime that already exists under section 38(d) of the Evidence (Miscellaneous Provisions) Act 1991. Indeed, briefings have indicated that clause 63 was drafted to bring family violence into line with the law in other areas. It could be argued that it would be an anomaly to provide a protection in the general law that is not available to victims of family violence.

Other issues included a range of practical considerations. The first, and in some ways the most important, is that there is no obligation for a person to be represented by a lawyer. It raises questions such as what happens to the hearing while a person is directed to get a lawyer. It has been indicated to us that there will be many times when the hearing will not be stopped, as it is a discretion under 64(4)(b)(i). Does a person get a say in who is appointed, and what happens if someone cannot pay for the appointment of legal representation? I think these are all valid concerns, and the operation of this section needs to be carefully monitored. Most importantly, it highlights the importance of proper legal representation in all of these areas to ensure it does not result in a loss of legal rights of one person in an attempt to preserve the rights of another. However, given the operation of section 38(d) of the Evidence Act we believe that it is better that this act be in line with other laws and we support this section, noting those areas of concern.

Another area that is complex and problematic is that of after-hours orders. The concern raised in regard to it was the issue of detaining a person while an order is being sought. The scrutiny committee raised the concern over clause 105, as noted in the scrutiny report. It raised the obvious concerns once again of a person being treated as if they are guilty when in fact their case has not been put to a judicial officer.

However, the section does hold that a police officer may only detain the person if there is a risk to the affected person of family violence by the respondent and the order is immediately necessary to ensure the safety of the affected person from violence or prevent substantial damage to the affected person's property and it is not practicable to arrest the respondent. This is an emergency provision. Given the tragic consequences of what can happen in these circumstances this is an instance where this caution can prevent significant harm and, again noting those issues and concerns, we will support this provision.

Finally, we also make note about the resources required by the courts to put this into practice, and we need to monitor that to make sure that again the court has sufficient resources.

There is a late government amendment that was circulated after the tabling of the bill, and we have got no objection to the amendment which will extend the commencement date of the bill. We will support the Family Violence Bill.

In terms of the Personal Violence Bill, we will support this bill also. Essentially it is part of the same package, with similar effect, and establishes the legal framework for the protection of people from personal violence other than family violence and workplace violence to prevent and reduce personal violence.

The bill will, amongst other things, make provisions for personal violence and workplace violence protection orders, promote mediation of appropriate matters and create offences to enforce protection orders. The bill provides the matters that a court must consider in deciding whether to make a protection order.

In conclusion I thank all of the stakeholders that have provided advice to the opposition and the responses that we got from the Attorney-General's office which also arranged a briefing with public servants who provided us with advice in answer to questions.

This is a complex and difficult area of law and there are careful balances to be made between keeping people safe and maintaining people's rights. With the comments that I have made, the Canberra Liberals will support these bills but I do foreshadow that if we do form government in October, with so much change that has been effected over the past 12 to 18 months in these complex areas and with significant increases to funding which we have supported, this is an area that I think will warrant ongoing particular attention in government to make sure that we have got the balance right and that the good intentions that have led to the laws that we have made in this place actually do result in better outcomes on the ground and that particularly any unintended consequences are understood and, if necessary, rectified.

Noting the concerns and noting that even though we have made laws in this place, I think there is a duty on us to make sure that we monitor the effect of those laws to make sure that they have the effect that is purported in the legislation. We do support it but we will be ever vigilant, be it in government or in opposition.

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

Sitting suspended from 12.31 to 2.30 pm.

Questions without notice

Hospitals—performance data

MR HANSON: My question is to the Minister for Health. The latest health data that you have shared with the people of Canberra was the December 2015 quarterly report. Contrary to your government's mantra of open government, we are now well overdue for two health and hospital reports. The March 2016 report was due in April and the June 2016 report was due in July. In the lead-up to the last election, the data in these particular reports was fabricated to make the government's performance look better than it was. There have been errors in these reports in both 2014 and 2015, currently being investigated by the Auditor-General. Minister, all these errors have enabled you to claim improvements in health statistics that simply did not happen. Minister, how can the people of Canberra trust any health reports you produce prior to the October election?

MR CORBELL: I thank Mr Hanson for his question. It is simply not the case for him to claim, as he does, that this means that data presented by my directorate does not indicate improvements, because we know there has been very significant improvement in elective surgery waiting lists, in ED waiting times and in a range of other key measures.

Turning directly to Mr Hanson's specific question, my directorate is very cognisant of the need to ensure that the data that is reported is free of error. That is why my directorate is taking a small amount of additional time to ensure that appropriate quality assurance processes are in place so that data that is presented is accurate.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, has the Australian Institute of Health and Welfare been made aware of the errors in your 2014 and 2015 reports?

MR CORBELL: The first point I make is that the errors that have occurred are not large in terms of their quantum and therefore are highly unlikely to be material when it comes to data that is provided to national reporting bodies such as the AIHW but I am confident that my directorate has taken all appropriate steps to notify recipients of our data where it has been necessary to do so.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what will you do to ensure the accuracy of any new health reports that are released?

MR CORBELL: I refer Mrs Jones to my previous answer, which is that my directorate is undertaking additional quality assurance work to address the exact issue that she raises.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: How much more additional time for assessing accuracy will you need and when will the March 2016 and June 2016 Health quarterly reports be released?

MR CORBELL: They will be released as soon as possible.

Rural fire services—funding

MR JEFFERY: My question is to the minister for emergency services. Minister, the government is receiving record amounts of rates and levies, including the emergency services levy. Minister, what additional bushfire services are rural areas receiving as a result of this additional revenue and are they fully resourced?

MR CORBELL: I thank Mr Jeffery for his first question in this place and congratulate him for that. I should point out to Mr Jeffery, though, that unfortunately the increase in the emergency services levy is a result of a direct cut to fire and emergency services capability in our city by the federal Liberal government. About three years ago now the federal Liberal government dramatically reduced the payment it made to the ACT for firefighting capability, recognising our function to respond to fires in national institutions and other bodies that are the responsibility of the commonwealth government in this city.

That dramatic reduction, in the order of many millions of dollars, has had to be borne by ACT ratepayers. As a result we increased the fire and emergency services levy because without doing so we would have had to cut the capability of our emergency services to respond to fires, particularly in the urban area. I would point out to Mr Jeffery as well that the fire and emergency services levy is not solely for bush firefighting capability, it is for all firefighting capability in our city, including of course urban firefighting capability.

When it comes to the investments this government has made in better bushfire response capability I would draw to the attention of the member the significant investments that this government has made for example in the complete redevelopment and construction of a new bush firefighting brigade shed for the Tidbinbilla brigade, a very modern building delivered in the heart of the Tidbinbilla Valley to provide state-of-the-art facilities for the Tidbinbilla brigade or equally the funding in the most recent budget for upgrades to the Guise's Creek bushfire brigade bushfire shed as well.

MADAM SPEAKER: A supplementary question, Mr Jeffery.

MR JEFFERY: Minister, how can you say that rural areas are fully resourced when I know that this is not the case?

MR CORBELL: I would say, through you, Madam Speaker, that Mr Jeffery needs to substantiate that claim rather than simply say it is not the case. What is he alluding to? This government has made very significant investments in bushfire-fighting capability. We now have a very clear policy of rapid attack of bushfires when they first break out, including both ground crews and aerial firefighting capability. We have remote area firefighting teams that can be winched in. We have, as standard practice, the capacity for bulldozers and other earthmoving equipment to be forward deployed ready to respond to fires during the bushfire season. These are all practices that are now commonplace in our territory. They demonstrate that we understand the implications of not having those types of practices in place—lessons that were learnt the hard and difficult way following the 2003 fires—but they are all now practices that are commonplace and standard for our Emergency Services Agency. It means we are better placed to respond to bushfires and to tackle them early and quickly before they become a significant and real danger to our community.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what support are volunteer firefighting services getting as part of this extra money?

MR CORBELL: As a result of this government's investment in the ACT Rural Fire Service, we have supported the delivery of new firefighting vehicles, both new tankers and new light unit capabilities; we have invested in new aerial firefighting capability; and we have invested in new firefighting brigade sheds such as the ones I mentioned in my earlier answer, like the Tidbinbilla shed, delivered under this government; a shed I know that Mr Jeffery and others opposite would be very familiar with. Equally, there have been upgrades to the Guises Creek shed, upgrades to the rivers brigade and upgrades to a range of other facilities across the city.

That is the investment this government has made in rural firefighting capability. It is something we are very proud of and it is something we will continue to focus very strongly on.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, what consultation have you or the ESA commissioner personally had with rural bushfire volunteers in the past four years?

MR CORBELL: Of course, I would point out to Mrs Jones that I have been minister in this role in my most recent incarnation since only December last year. What I can say is that both I and my predecessor have had a practice that has been sustained for a long period of time of meeting on a regular basis, a quarterly basis, with volunteers, representatives of the captains group in the RFS, representatives of the commanders group in the SES and representatives of the Volunteer Brigades Association as well. We do that so that we can hear directly the voices and perspectives of volunteers both in the RFS and the SES. It has been a longstanding practice.

Indeed, before I retire from this place I have one more meeting scheduled with volunteer representatives. I have one more meeting with volunteer representatives that will demonstrate this government's continuing commitment to meet with and talk with volunteers and volunteer representatives as part of making sure we have the best possible arrangements for emergency response in our city.

Government—land development policies

MS LAWDER: My question is to the Minister for Economic Development. I refer to recent remarks by Tony Powell, head of the NCDC between 1975 and 1984, who said that your government was "prone to corruption of due process in the administration of land and property development". Minister, why has the government failed to address concerns about corruption of due process in the administration of land and property development?

MR BARR: I thank Ms Lawder for the question. I do not agree with the premise of the question. I do not believe that there is any evidence to support the accusation that the member has made.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, why is your government trying to justify rezoning for medium to high density residential development and sale of land in the Lake Burley Griffin foreshore area?

MR BARR: The member might be aware that this is an area under the planning control of the National Capital Authority and that it was in fact the Howard government under the Griffin legacy work going back about 10 years now that rezoned this area for that purpose.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, why has the community consultation process about the West Basin development process been so inadequate?

MR BARR: It has not. It has been one of the most comprehensive of processes. In fact, it ran for a number of years, and the most common feedback from the thousands of people who participated was calling on the government to just get on with it. That there was a meeting last week where a couple of hundred people who are opposed to elements of the project got together does not mean that that is the totality of the community view and that there is not very strong support for the project from many sections of the community. Is that support unanimous? No. Is support for any change in Canberra unanimous? Rarely.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, has the government acquired any businesses in or around West Basin and, if so, under what legislation were they acquired?

MR BARR: I believe so, and I will check the appropriate legislation for the member.

Government—integrity

MR WALL: My question is to the Minister for Education and involves the *Ministerial Code of Conduct*. Minister, I refer to your comments in the *Canberra Times* of 1 August 2016, where you said in relation to the need for an integrity commission, "People do have concerns in the community, you do hear rumours around town." Minister, what concerns have been raised with you about possible corrupt or inappropriate acts either by ACT government ministers or officials and what action have you taken to refer these concerns on for investigation?

MR RATTENBURY: In my capacity as the Minister for Education, I have had no specific concerns raised with me.

Mr Wall: What about generally?

MADAM SPEAKER: I just remind Mr Wall that in asking questions he has to ask a question about the minister's ministerial responsibility and not about general policy areas. Supplementary question, Mr Wall.

MR WALL: Minister, what issues are you aware of within the government or the executive that need to be investigated?

MR RATTENBURY: Madam Speaker, I seek your advice. Mr Wall is essentially asking me a question on a policy decision I put forward as the Greens leader for the coming election. He is seeking to use question time to ask questions that he knows are not in my portfolio. I seek your advice.

Mr Hanson: On a point of order, Madam Speaker, these are quotes from Mr Rattenbury as a minister that he has heard rumours around the town, issues of concern, as a member of the executive. I think we have a right to ask what these rumours are and what action he has taken.

MADAM SPEAKER: Mr Rattenbury, you have ministerial responsibility for corrections, education, justice and consumer affairs and road safety. I think that in any of those capacities you would have free range to answer Mr Wall's question.

MR RATTENBURY: Thank you Madam Speaker, that is fine. I do not actually intend to come in here and circulate the sorts of rumours that the Liberal Party are happy to propagate. Members have all been approached over a range of matters. The very reason my party colleagues and I have put this proposal forward is to provide a forum for these sorts of allegations to be professionally and seriously investigated rather than the way the Liberal Party prefers to do it, which is through the process of innuendo and smear.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, have any specific land or property deals been raised with you as being of concern?

Mr Corbell: On a point of order, Madam Speaker, it is difficult for me, and I think it is difficult for the member, to sustain that there is a link between that question and Mr Rattenbury's portfolio responsibilities on which—

Mrs Jones interjecting—

MADAM SPEAKER: Order, Mrs Jones!

Mr Corbell: of course, the standing orders are quite clear: questions may be asked of ministers in relation to their portfolio responsibilities.

Mr Hanson: On the point of order—

MADAM SPEAKER: Before I call you, Mr Hanson, on the point of order, could people do me the courtesy, when someone is making a point of order, of not interrupting so that I can actually listen to the point that is being made. On the point of order, Mr Hanson.

Mr Hanson: On the point of order, Madam Speaker, in response to the previous question Mr Rattenbury talked about issues that have been raised with him, allegations that have been raised with him, so it would be in order given that Mr Rattenbury has raised this as part of his response to the question.

MADAM SPEAKER: I do not uphold the point of order as raised by Mr Corbell simply because Mr Rattenbury has engaged in this space, but also I need to remind Mr Rattenbury that in answering the question he has to do so in the context of his ministerial responsibilities: corrections, education, justice and consumer affairs and road safety.

MR RATTENBURY: In light of the framing that you have just given it, Madam Speaker, I have not received any information as minister which would be in the vein that the question was asked.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, have concerns been raised with you about the University of Canberra sports hub or deals between the ACT government and Aquis? If so, what actions have you taken, and have you considered the guardians community meeting at Hughes, when you were asked some specific questions on this?

MR RATTENBURY: Madam Speaker, Mr Doszpot is asking a fairly broad-ranging question there. I am trying to think through each of the components of it.

I know that there are concerns from people. There have been objections raised with me. The sports community have raised criticisms of the move to the University of

Canberra; Mr Doszpot knows that and Mr Doszpot knows that I know that. But I think that is quite a different thing from the suggestion that he is making.

On the other matters, I have no further comment to add at this point. I have made my position publicly clear and there will be a further discussion later today.

Economy—growth

MR HINDER: My question is to the Treasurer. Can the Treasurer outline to the Assembly the importance of the government meeting its commitments to maintaining a strong economy, honouring the light rail contract and returning the budget to surplus?

MR BARR: I am pleased to advise the Assembly that the ACT economy continues to perform well. Gross state product is growing by around 1.75 per cent, increasing to two per cent in the current fiscal year. Exports from the territory are growing strongly—faster than the rest of the nation—and are now worth around $1.3 billion per annum to our economy. This growth will be further supported by external factors such as low interest rates—even lower today; there has been an announcement in the past 20 minutes or so from the RBA—and a lower Australian dollar.

No small jurisdiction ever got rich by selling to itself. So we remain committed to expanding our city's national and international engagement. There are many positive signs that the private sector also has confidence in Canberra's future. It is fair to say that international flights to Canberra did not start by accident. We will continue to focus on creating the right conditions for local businesses to grow and to create jobs, and to encourage investment and growth in the economy.

With an eye to the long term, the government continues its significant investment in infrastructure, in health, in education and in transport. Through the light rail project, we will be supporting thousands of jobs during the construction phase and into the future.

There are, of course, risks and honouring contracts is a key feature of good government and sensible financial management. This point appears to be lost on some—the economic lunatics of this place. It is no wonder that the former shadow treasurer walked out on this lot.

Members interjecting—

MADAM SPEAKER: I would like to hear Mr Hinder. Mr Hinder, a supplementary question.

MR HINDER: Can the Treasurer indicate how the government's commitment and fiscal strategy will assist in maintaining a strong economy and high quality services?

MR BARR: As members would be aware, the territory has endured some very tough economic times in recent years because of the Liberal Party's cuts at a federal level. Despite these impacts the ACT government has continued to deliver high quality

health, education, transport and city services. In the 2016-17 budget the government supported the economy through a range of short-term stimulus measures and we continue to deliver appropriate services to the community while building a strong operating balance over the medium term.

Out fiscal strategy supports the maintenance of services to the community and investment in infrastructure to support the economy. It means strong job creation. Three thousand one hundred new jobs were created in the past year in the ACT and our unemployment rate is the lowest in Australia.

Whilst the Liberal Party has been busy cutting thousands of jobs from our city we have worked very hard to support our economy to grow and for new jobs to be created. The outcome of our work is the lowest unemployment rate in Australia. A strong economy makes a return to surplus and the maintenance of our city's AAA credit rating more attainable and ensures our city's economic future.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Treasurer, can you inform the Assembly what would be the impact of not honouring the light rail contract on the ACT's credit rating and budget?

MR BARR: The first thing that we would know, if a Liberal government cancelled the light rail contract, is that we would be paying out somewhere between $220 and $280 million and the territory would receive nothing for that. The ACT government would be known for spending hundreds of millions of dollars and having nothing to show for it. We would also be known for handing back nearly $70 million in asset recycling initiative funding to the commonwealth. We would be known as the jurisdiction where government contracts might not be honoured. That would be terrible for business confidence and terrible for investment in our city.

When I spoke with Standard & Poor's recently they indicated that they would look upon this very seriously when considering the ACT's AAA credit rating. Let me remind members that we are one of only three jurisdictions in Australia and one of only around 20 in the world to have the highest possible credit rating. This is not something that you should treat lightly. Brendan Lyon of Infrastructure Australia has made the point, and he is correct, that the cancellation of infrastructure contracts is not a behavioural trait befitting an AAA-rated government. It would be disastrous for the territory.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Treasurer, can you inform the Assembly of the impact on the budget, the economy and the community of deviating from the return to surplus path?

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson! Singing Judy Garland is particularly disorderly.

MR BARR: That depends on which company you are keeping, but in the context of the Assembly, I agree with you, Madam Speaker.

Madam Speaker, there are a number of policy paths available to the government. We could take the austerity path. We could take the path preferred by Liberal governments around this country of seeking to get back into surplus off the back of massive job cuts in order to pay for reckless promises. It is what state Liberal governments have done around this country. We could seek to adopt that playbook, but we will not. We will not be cutting thousands of jobs in order to return to surplus. The government I lead will not do that. We will return to surplus in a measured way: without job cuts and done in a fair and balanced way. That is the very clear contrast between the job cutters opposite and those who support more jobs for our city, who sit on this side of the chamber.

Sport—Brumbies sponsorship

MR DOSZPOT: My question is to the Minister for Economic Development and minister for tourism. Minister, when were you first advised that the Aquis sponsorship arrangements with the Brumbies contained a clause allowing them to cease their sponsorship in September if they did not obtain poker machines?

MR BARR: I have no ministerial responsibility for sponsorship arrangements between the Brumbies and private sponsors.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, did Aquis threaten to end the contract if the government did not allow the casino to have poker machines?

MR BARR: Again, I do not have any responsibility for the sponsorship arrangements of the ACT Brumbies.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, have you met with representatives of Aquis while on any of your overseas delegations, and if so, can you provide details of those meetings?

MR BARR: I do not believe so, but I will check the record to be sure.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, what role, if any, does your government play in monitoring the sponsorship arrangements as part of its performance agreement with the Brumbies?

MR BARR: None, I believe. But again, I will check the record to ensure that that is a correct statement.

Gaming—casino

MRS JONES: My question is to the minister for Racing and Gaming. The proposal by Aquis to expand the casino and to apply for poker machines has been before the government for several months. Yet on 13 July 2016 the ABC reported that you had not yet seen the casino's proposal. Is this report correct? If not, when did you first see the proposal? If so, why have you not seen it?

MR GENTLEMAN: I thank Mrs Jones for her question. Yes, we did see the casino's proposal at the very beginning of the process. So the Economic Development Directorate was dealing with that, as the directorate does. I have met with the casino to discuss some planning issues around the proposal.

Mrs Jones: When?

MR GENTLEMAN: I will have to come back to you with the exact date.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, why have you not been involved in detailed assessments of this proposal?

MR GENTLEMAN: I thank Mrs Jones again. The proposal is one that is brought to EDD, so it is not specifically under my direction for gaming and racing or planning at this stage.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, what assessment have you made of the impact of this proposal on community clubs?

MR GENTLEMAN: I have not had a full brief on the impacts that it could propose. We have had some brief from the directorate on poker machines especially in this proposal and the legislative arrangements around those poker machines and what would need to occur if the proposal were to go forward. But, as I said earlier, it is an unsolicited bid. It is going through the unsolicited bid process.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: What assessment have you made on the impact of this proposal on problem gambling?

MR GENTLEMAN: The proposal so far from government back to Aquis was a proposal for 200 poker machines for the casino. That would mean a reduction in poker machines overall in the ACT and would fit into the harm minimisation procedures that this government has in place. So overarchingly I would say in that response that it would be seen to be of benefit for harm minimisation across the territory. As you would know, the reduction of poker machines is an imperative in our harm minimisation program.

Government—published expenditure

MR COE: Madam Speaker, my question is to the Chief Minister regarding expenditure in his agencies. Chief Minister, how much has your directorate spent on Westside village? In particular, what has been the expenditure on staff and external supplies and services since the Property Group took control of the facility?

MR BARR: A relatively small amount—a very small amount. I will seek some information for the member.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, are expenses incurred by your agencies over $25,000 published on line in accordance with the Government Procurement Act 2001?

MR BARR: My understanding is yes.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, has the LDA declared published payments over $25,000 for the month of June in accordance with the Government Procurement Act 2001?

MR BARR: I will need to check that.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Are governance and compliance issues in your directorate contributing to a perception of integrity issues with your government?

MR BARR: No.

Environment—water quality

MS BURCH: My question is to the Minister for the Environment and Climate Change. Minister, you recently announced that the government was successful in securing the balance of the $85 million a year Australian government funding for the basin priority project. Can you inform the Assembly of how the funding will be distributed across the catchments and how many projects have been supported?

MR CORBELL: I thank Ms Burch for her question and her interest in this important project that is going to help improve water quality across the ACT's waterways. As members would recall, the government has been successful in securing approximately $85 million worth of funding from the Australian government to complement our own commitment of $8.5 million to improve water quality in the ACT's lakes and waterways.

There will be 25 priority water quality projects constructed across six catchments in the ACT as a result of receiving this funding. The projects are allocated across a range of catchments and I would like to outline those to members.

The Tuggeranong catchment will see nine projects, with a value of $27 million. The Tuggeranong catchment is a particular priority because of the poor water quality in places like Lake Tuggeranong. I am very pleased that a significant amount of the basin priority project money will be delivered to the Tuggeranong Valley.

The Fyshwick catchment will see six projects with a value of $15.9 million. The Yarralumla Creek catchment, which of course traverses the Woden Valley to the lower Molonglo, will see five projects worth $16.3 million. There will be two projects worth $6.5 million in the west Belconnen catchment. There will be two projects worth $3.4 million in the upper Molonglo catchment, and there will be one project worth $9.6 million in the lower Molonglo catchment.

All of these projects are designed to improve water quality in our city's and our region's waterways and lakes. They will help to reduce the level of sediment, nutrients and other pollutants and they will also help with better public education and further in-lake research in lakes like Lake Tuggeranong, as well as ongoing water quality and monitoring. Combined, they are designed to make sure that we see an improvement in water quality in our lakes and waterways.

The projects will include new constructed wetlands, new ponds, off-line ponds along waterways, rain gardens, creek restoration works, new swales and gross pollutant traps and the further investigation of the use of stormwater for irrigation in certain locations.

Right now we are proceeding to commence community consultation on the detailed construction proposals for these projects—the 25 water quality projects across the six catchments I have mentioned—and that will inform the development application and approval process which will see these projects start construction next year. It is a great outcome, I believe, to improve water quality across the ACT's lakes and waterways.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Minister, can you provide more detail to the Assembly of the projects, in particular for the Lake Tuggeranong catchment?

MR CORBELL: I thank Ms Burch for her supplementary. Water quality in Lake Tuggeranong is of particular concern and I know that Ms Burch and other colleagues from the Tuggeranong Valley have consistently advocated the importance of improving water quality in the Lake Tuggeranong catchment. That is why we will see a very significant investment, $25 million worth of investment approximately, in Lake Tuggeranong. The projects will focus on addressing the high nutrient levels in Lake Tuggeranong which are a result of stormwater runoff from the surrounding urban area. Of course when we see those very high nutrient levels we see consistent algal blooms and associated overs and other amenity concerns.

There are nine priority projects for the Tuggeranong catchment. We will see the construction of a new rain garden and potential stormwater use project for Chirnside Circuit in Kambah. We will see a new swale, pond and rain garden project on Athllon Drive between Langdon Avenue and Fincham Crescent in Wanniassa. There will be a new rain garden for the Stranger Pond at Isabella Plains and a constructed wetland at Isabella Pond on Drakeford Drive near Monash. There will be a swale constructed at Corlette Crescent in Monash to link to the Isabella Pond. There will be a new rain garden and potential stormwater use project in some open space between Isabella Drive and Kirkcaldie Circuit in Chisholm. There will be new rain gardens in the Fadden pines reserve, a new pond between Kett Street and Drakeford Drive in Kambah and there will also be an in-lake research project to monitor the performance of these projects and the quality of water in Lake Tuggeranong in Lake Tuggeranong itself.

These are very important projects that are going to improve water quality in the Tuggeranong catchment. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, can you outline some of the projects that will be undertaken in the other catchments, particularly in the great electorate of Ginninderra?

MR CORBELL: I thank Mr Hinder for his supplementary. Yes, there will be a range of other projects in other locations across the city.

It is worth highlighting that there will be a new wetland constructed in Fyshwick, for example, which will be established next to Jerrabomberra Creek near Eyre Street in Kingston, which will improve the quality of water that runs through the Jerrabomberra wetlands, which is, of course, a very important nature reserve area.

There will be a new project for lower Molonglo, with two new wetlands to be constructed in the open space between Dixon Drive and Cotter Road adjacent to the suburb of Holder. This is going to assist in improving water quality run-off as water enters the lower Molonglo through the near Molonglo development.

In west Belconnen, in the electorate of Ginninderra, there will be a new wetland at Croke Place in McKellar. This project will see the construction of that wetland in open space next to Ginninderra Creek near William Webb Drive. This is immediately downstream of Lake Ginninderra. Low flows from the creek there will be diverted to the wetland for treatment; high flows will be diverted around the wetland and continue through the creek. We expect that this project will improve water quality in the creek and that the wetland will also add to the amenity and provide further habitat for greater biodiversity in the area.

I also mention a very important project for Yarralumla Creek, the development of a pond at the Athllon Drive location near Mawson. Yarralumla Creek has a heavily modified creek line as a result of the concrete stormwater channel constructed along that creek line in the 1960s. This will see a new pond constructed opposite Marist College on Athllon Drive. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Mr Hinder.

MR HINDER: Minister, can you inform the Assembly of the public awareness campaign and research projects that will also be undertaken?

MR CORBELL: As part of the basin priority project, we will be continuing to engage as a government in public education and research. It is important that residents are aware that individually our own actions can contribute to poor water quality in our creeks, waterways and lakes. As part of this work, the government has already conducted a survey of over 4,500 people. It was undertaken by the University of Canberra on behalf of the Environment and Planning Directorate.

That survey gave us a much better understanding of people's perceptions about and views on water quality in our city. It also found that people had different perceptions about the causes of water quality. For example, only 38 per cent of respondents in that survey considered leaf litter and grass clippings entering the stormwater system to be a water quality issue. However, we know that our scientists consider this to be one of the key causes of the problem when it comes to high nutrient load in our creeks and lakes.

By identifying that discrepancy between community perception and what the scientific evidence is telling us, we will need to focus on campaigns that inform Canberrans of the importance of collecting leaves, keeping leaf and garden material out of the roadside curb and certainly not putting it down the gutter or drain in the street because, of course, that act can lead to an increase in nutrient loads in lakes and waterways.

We will also, as part of the work of the basin priority project, be seeking to improve understanding of treatment options, such as the trial of sediment curtains and bubblers in Lake Tuggeranong, to improve aeration of the lake water body and potentially tackle some of the water quality issues in that way as well. *(Time expired.)*

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

Supplementary answer to question without notice
Gaming—casino

MR GENTLEMAN: In question time Mrs Jones asked a question of me on the timing of the meeting with the casino proponent. It was on 5 February.

Papers

Madam Speaker presented the following papers:

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

No. 5/2016—Initiation of the Light Rail Project, dated 16 June 2016.

No. 6/2016—Management and administration of credit cards by ACT Government entities, dated 24 June 2016.

These papers were circulated to members when the Assembly was not sitting.

> Control and management of the Executive area of the Legislative Assembly building, pursuant to subsection 8(1) of the *Legislative Assembly Precincts Act 2001*—Agreement made between the Speaker and the Chief Minister, dated 21 and 31 May 2016.
>
> Acting Speaker—Instrument of appointment, pursuant to standing order 6A—Assistant Speaker Lawder (11 to 15 July 2016), dated 6 July 2016.
>
> Standing order 191—Amendments to:
>
> > Justice and Community Safety Legislation Amendment Bill 2016, dated 17 June 2016.
> >
> > Retirement Villages Amendment Bill 2016, dated 14 June 2016.
> >
> > Supreme Court Amendment Bill 2016, dated 17 June 2016.
> >
> > Workers Compensation Amendment Bill 2016, dated 14 June 2016.

Committee reports—government responses
Papers and statement

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.15): For the information of members, I present the following papers:

> Education, Training and Youth Affairs—Standing Committee—Report 4—*Report on Annual and Financial Reports 2014-2015*—Government response.
>
> Health, Ageing, Community and Social Services—Standing Committee—Report 7—*Report on Annual and Financial Reports 2014-2015*—Government response.
>
> Justice and Community Safety—Standing Committee—Report 6—*Inquiry into Annual and Financial Reports 2014-2015*—Government response.
>
> Planning, Environment and Territory and Municipal Services—Standing Committee—Report 12—*Report on Annual and Financial Reports 2014-2015*—Government response.
>
> Public Accounts—Standing Committee—Report 24—*Report on Annual and Financial Reports 2014-2015*—Government response.

I move:

> That the Assembly take note of the papers.

I am pleased to present the government's responses to all five standing committee reports on the 2014-15 annual and financial reports of government agencies. The standing committee reports generally cover more than one portfolio and in some cases the issues raised in the reports have cross-directorate implications. I am tabling the responses to all five standing committee reports on behalf of all ministers.

Annual and financial reports are prepared by agencies in accordance with the Annual Reports (Government Agencies) Act 2004, the Financial Management Act 1996 and

the annual report directions. In this regard the government seeks to ensure that annual and financial reports are continually updated to reflect best practice and full accountability.

The standing committees combined made 64 recommendations. The government has agreed in full, in principle or in part to 42 of them and noted the other 22. I commend the responses to the Assembly.

Question resolved in the affirmative.

Respect, Equity and Diversity Framework—review
Implementation report

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

Respect, Equity and Diversity Framework—Review—Implementation report.

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

Leave granted.

MR BARR: In line with recommendation 11 of the standing committee report, I table our report of implementation of the recommendations arising from the review. I thank the committee for its report and for the opportunity to outline progress consolidating the RED framework.

The review provided six recommendations to embed a positive workplace culture in the ACT public service and to renew our focus on the employment of Aboriginal and Torres Strait Islander people and people with a disability. I am pleased to report that recommendations 1, 2 and 3 have been fully implemented and the finite goals of recommendations 4, 5 and 6 have also been achieved.

The Head of Service has taken a proactive approach to attract and retain Aboriginal and Torres Strait Islander peoples and people with a disability so that the public sector workforce is truly representative of the community by 2018-19. An Indigenous pathways employment program started in December 2014 and an Indigenous traineeship, with 22 positions being identified across the ACT public service, commenced in August 2015. Similar measures have been introduced in the area of people with disability including additional resources for managers. The implementation of these recommendations is strengthening the ACT public service, delivering stronger and more inclusive services to residents of the territory and the surrounding region. I commend the report to the Assembly.

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:

Andrew Whale, dated 6 June 2016.

Calvin Robinson, dated 13 June 2016.

David Snowden, dated 13 June 2016.

Elizabeth Chatham, dated 27 May 2016.

Elizabeth Tobler, dated 4 July 2016.

Fleur Flanery, dated 20 June 2016.

Garry Gordon, dated 30 May 2016.

Garry Taylor, dated 5 June 2016.

Ian Hubbard, dated 1 July 2016.

Jonathan Quiggin, dated 20 June 2016.

Joseph Murphy, dated 13 July 2016.

Joshua Rynehart, dated 20 June 2016.

Kate Starick, dated 13 June 2016.

Kristine Scheul, dated 1 June 2016.

Leesha Pitt, dated 20 June 2016.

Melanie Saballa, dated 20 June 2016.

Richard Baumgart, dated 20 June 2016.

Short-term contracts:

Benjamin Ponton, dated 9 and 14 June 2016.

Bernadette Mitcherson, dated 20 and 21 June 2016.

Bren Burkevics, dated 30 June and 1 July 2016.

Christopher Reynolds, dated 20 and 21 June 2016.

Conrad Barr, dated 4 and 7 July 2016.

Coralie McAlister, dated 28 June and 1 July 2016.

David Matthews, dated 20 and 21 June 2016.

David Matthews, dated 20 and 21 June 2016.

David Metcalf, dated 8 and 11 July 2016.

David Nicol, dated 30 and 31 May 2016.

David Pryce, dated 13 and 17 May 2016.

Dominic Lane, dated 20 and 21 June 2016.

Duncan Edghill, dated 28 May and 13 June 2016.

Francesco Frino, dated 26 May 2016.

Gary Rake, dated 4 July 2016.

James Corrigan, dated 26 and 27 May 2016.

Jancye Winter, dated 13 July 2016.

Jayne Reece, dated 4 and 11 July 2016.

Julia Teale, dated 23 and 30 June 2016.

Julie Field, dated 27 May and 13 June 2016.

Karen Greenland, dated 20 and 24 June 2016.

Kathleen Goth, dated 26 and 27 May 2016.

Kenneth Marshall, dated 9 and 13 June 2016.

Magdalena Drejer-White, dated 26 and 27 May 2016.

Margaret Cicolini, dated 4 and 7 July 2016.

Margaret Lee, dated 27 May and 13 June 2016.

Margaret McLeod, dated 12 and 15 July 2016.

Marina Buchanan-Grey, dated 11 and 12 July 2016.

Mark Bartlett, dated 23 and 30 June 2016.

Mark Brown, dated 11 and 12 July 2016.

Meredith Whitten, dated 20 and 23 June 2016.

Michael Edwards, dated 11 July 2016.

Nathan Boyle, dated 9 and 13 June 2016.

Nicole Moore, dated 9 and 13 June 2016.

Paul Lewis, dated 25 and 27 May 2016.

Paul Rushton, dated 3 and 13 June 2016.

Paul Simakoff-Ellims, dated 11 July 2016.

Petra Crowe, dated 8 and 13 June 2016.

Philip Canham, dated 30 June and 1 July 2016.

Philip Canham, dated 1 and 11 July 2016.

Sally Gibson, dated 9 and 13 June 2016.

Sandra Cook, dated 7 and 11 July 2016.

Stephen Anderson, dated 21 June 2016.

Stephen Miners, dated 6 and 13 June 2016.

Stuart Friend, dated 21 June 2016.

Tracey Allen, dated 29 June and 1 July 2016.

Victor Martin, dated 30 June and 1 July 2016.

Yu-Lan Chan, dated 30 June and 1 July 2016.

Contract variations:

Amy Phillips, dated 4 and 11 July 2016.

Anne Glover, dated 7 July 2016.

Bernadette Mitcherson, dated 1 and 13 June 2016.

Bernadette Mitcherson, dated 9 and 14 June 2016.

Bradley Burch, dated 14 and 23 June 2016.

Brett Phillips, dated 6 and 13 June 2016.

Calvin Robinson, dated 3 and 13 June 2016.

Cheryl Harkins, dated 14 and 21 June 2016.

Craig Simmons, dated 8 and 13 June 2016.

David Matthews, dated 31 May and 13 June 2016.

David Pryce, dated 25 May 2016.

David Pryce, dated 9 and 10 June 2016.

David Pryce, dated 23 and 27 June 2016.

Donald Taylor, dated 1 and 13 June 2016.

Donald Taylor, dated 15 and 21 June 2016.

Donald Taylor, dated 5 and 7 July 2016.

Emily Dean, dated 8 and 13 June 2016.

Fiona Barbaro, dated 8 and 27 May 2016.

Geoffrey Rutledge, dated 1 and 13 June 2016.

Grant Kennealy, dated 1 and 13 June 2016.

Grant Kennealy, dated 10 and 13 June 2016.

Ian McGlinn, dated 29 June and 1 July 2016.

John Wynants, dated 20 and 21 June 2016.

Karen Doran, dated 1 and 13 June 2016.

Kate Starick, dated 7 and 13 June 2016.

Louise Gilding, dated 6 and 13 June 2016.

Mark Huxley, dated 14 and 20 June 2016.

Matthew Wright, dated 14 and 27 June 2016.

Natalie Howson, dated 22 and 26 June 2016.

Neil Bulless, dated 8 and 13 June 2016.

Paul Rushton, dated 15 and 20 June 2016.

Paul Rushton, dated 4 and 7 July 2016.

Richard Baumgart, dated 12 and 20 June 2016.

Rodney Bray, dated 20 and 26 June 2016.

Samuel Engele, dated 6 and 13 June 2016.

Shaun Strachan, dated 1 and 13 June 2016.

Therese Goodman, dated 8 and 11 July 2016.

Tracy Stewart, dated 8 and 13 June 2016.

Yu-Lan Chan, dated 14 and 20 June 2016.

Remuneration Tribunal Act, pursuant to subsection 12(2)—Interim Determination—Part-time Public Office Holders—Independent Competition and Regulatory Commission—Determination 6 of 2016, together with a statement, dated June 2016.

Public Accounts—Standing Committee
Report 26—government response

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.20): For the information of members, I present the following paper:

Public Accounts—Standing Committee—Report 26—Review of Auditor-General's Report No. 10 of 2015: 2014-15 *Financial Audits*—Government response.

I move:

That the Assembly take note of the paper.

MR BARR: I present the government's response to the Standing Committee on Public Accounts review of the Auditor-General's report. The government response agrees with three of the four recommendations in the report and agrees in principle to the fourth. Details of the government position on each of the recommendations are contained in the response just tabled. I commend it to the Assembly.

Question resolved in the affirmative.

Joint venture agreement—approval
Paper and statement by minister

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

Financial Management Act, pursuant to subsection 99(4)—Statement of approval for a joint venture—Approval for the Australian Capital Territory to enter into a joint venture agreement in West Belconnen.

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

Leave granted.

MR BARR: On 19 May this year the government entered into a joint venture with the Riverview Group to undertake planning, development, construction, marketing and sale of land currently identified as west Belconnen and the adjoining lands in New South Wales. This will be a major development project in the ACT over the next 30 years, ultimately delivering around 11½ thousand homes and a significant amount of economic activity to the region.

The project has been under active consideration by the ACT government since 2009 and has been the subject of an extensive range of consultation and stakeholder engagement, planning, ecological, heritage, bushfire and infrastructure studies. The release of land will be in accordance with the ACT government's indicative land release program.

The project works to date have been conceived and developed on the basis of a set of suitability objectives that reflect the project's vision of creating a sustainable community of international significance in the nation's capital. The project will be sustainable over time socially, economically and ecologically. It will respond to the local and global environment, provide future beneficial change to occur in design infrastructure and regulatory mechanisms, be cost-effective, replicable and measurable, and act as a model that will aim to be the benchmark for sustainable development over the next 30 years.

Health, Ageing, Community and Social Services—Standing Committee

Report 8—government response

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (3.23): For the information of members, I present the following paper:

> Health, Ageing, Community and Social Services—Standing Committee—Report 8—*Inquiry into Youth Suicide and Self Harm in the ACT*—Government response.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Planning and Development Act 2007—variation No 346 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) (3.23): For the information of members, I present the following paper:

> Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 346 to the Territory Plan—Residential Solar Access Provisions, dated 1 August 2016, including associated documents.

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

Leave granted.

MR GENTLEMAN: Variation 346 to the territory plan proposes to amend the territory plan provisions relating to solar access for residential development. This includes changes to the single dwelling housing development code, the multi-unit housing development code and the Coombs and Wright concept plans.

Variation 346 was prepared to further refine solar access provisions following the commencement of variation 306. Monitoring the outcomes of variation 306 revealed that some of the solar access provisions were having unintended planning outcomes, including pushing new dwellings much closer to their northern boundary and increasing the amount of excavation occurring on the site. This was resulting in increased construction costs and delays as developments need to obtain additional planning approvals.

The changes proposed in the variation 346 will address these issues and prevent issues that might otherwise have arisen as new suburbs are released with steeper slopes. This variation was developed through extensive consultation with industry groups and the community. The amended provisions will better meet the needs of the community and industry while ensuring solar access is retained for residential development.

Draft variation 346 was released for public comment between 18 February and 7 April this year and attracted 103 submissions within the consultation period. Of these, 68 supported the proposed changes and one further submission supported the changes subject to separate changes to the planning and development regulation. The main concerns raised in submissions related to the potential impacts on neighbouring residences and the added impact of applying exempt development provisions, for example, building tolerances.

A review of the planning and development regulation is currently underway in response to concerns raised through the public consultation and focuses on building tolerances and exemptions. These are separate to the territory plan variation process and will further strengthen protections for solar access. While I have approved variation 346 I have requested the variation and any changes to the regulation commence at the same time.

After reviewing the recommended version I also requested the Planning and Land Authority to undertake further consultation with industry and community representatives. This consultation indicated that the community remained concerned about the application of these new rules in existing areas. Accordingly, I directed the Planning and Land Authority to consider amending variation 346 to limit the key changes to solar access provisions to new greenfield sites.

I have also instructed the Planning and Land Authority to continue to work with the community and industry representatives to develop a suitable solution to optimise the current solar access rules in existing areas. It is important to remember that none of the rules increase the amount of sun falling on the earth. Any changes relating to existing areas will be subject to a separate territory plan variation. It is important also to note that these rules are about how we share the sun among our neighbours.

I am satisfied that the issues raised during the extensive consultation process have been adequately addressed. As such, I did not feel it necessary to refer the draft variation to the Standing Committee for Planning, Environment and Territory and Municipal Services. Variation 346 will provide improved solar access outcomes for new residential developments along with improved amenity. They will also allow more efficient use of blocks and better environmental outcomes. These outcomes will be achieved while protecting reasonable solar access for surrounding properties. The variation is anticipated to reduce building costs, reduce delays and improve housing affordability in the territory.

I now move:

> That the Assembly take note of the paper.

MR RATTENBURY (Molonglo) (3.28): I welcome the opportunity to speak briefly to this variation because solar access is an issue the Greens have taken great interest in. Implementation of variation 306 led to the introduction of solar access requirements. While this has been received positively by many in the community, secure in the knowledge that their home would not be overshadowed, concerns have been raised by some in the sector, particularly builders and architects. They maintain that the solar access provisions have resulted in perverse outcomes where builders have been digging their houses into the ground to avoid overshadowing the neighbours to the south and moving their houses to the north of the blocks, reducing the amenity of their own outdoor areas.

While variation 306 protected the neighbour's solar access it did not guarantee that the solar access was actually utilised by the home builder. Apart from some examples of homes buried in the shade, there were also examples of inadequate northern glazing to take advantage of the sunlight. An important amendment in variation 346 is a requirement for a minimum amount of north-facing glazing. There will now have to be a minimum of four square metres of transparent north-facing glazing to a daytime living area.

Concerns were raised about building tolerances which can increase the amount of overshadowing in addition to the solar fence, and I understand this will be addressed through regulation. Concerns from residents in existing areas have meant that the variation will apply to new suburbs rather than existing suburbs. While I would usually think it is not ideal to have different rules in different parts of the city, this should give greater flexibility to architects and builders in greenfield areas.

One of the challenges we need to address is how we get more innovative, compact housing in existing suburbs. There is considerable concern from many residents about the appearance of McMansions in existing suburbs, and I personally share these concerns. These developments are changing the character of our suburbs but not actually addressing the issue of increased housing diversity and density in key areas of our inner city. This has not been an easy issue to address, and I thank Minister Gentleman and his directorate for the considerable amount of industry and community consultation that has occurred in order to get the outcome that has been tabled today. It is one of those issues on which it is very difficult to get agreement, but I think a lot of thought has been put into it and I welcome the efforts that have been made.

I make those observations today. A range of issues still exists about how we increase housing density while allowing for acoustic and visual privacy, solar access and cross-ventilation in compact homes and apartments. That certainly will require further work in the years ahead.

Question resolved in the affirmative.

Planning and Development Act 2007—variation No 349 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) (3.31): For the information of members, I present the following paper:

> Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 349 to the Territory Plan—Public land overlay and zone changes—Parts of blocks 1616 & 1370 Belconnen (Pinnacle extension)—Block 7 section 72 Watson (Justice Robert Hope Park), dated 14 July 2016, including associated documents.

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

Leave granted.

MR GENTLEMAN: Variation 349 relates to two distinct areas, the first being part block 1616 and 1370 Belconnen and the second being block 7, section 72 Watson or Justice Robert Hope Park. Both these sites were subject to conditional approval by the commonwealth government which identified the areas at Belconnen and Watson as suitable environmental offsets for development occurring elsewhere in the ACT. The Belconnen site will extend the Pinnacle Nature Reserve as an environmental offset for the University of Canberra public hospital development.

The University of Canberra public hospital is a critical piece of infrastructure to improve the quality and capacity of the health facilities in the ACT and will provide 140 inpatient beds and 75 day places for additional outpatient services and will focus on rehabilitation and support for those with chronic conditions, recovering from

surgery or with mental health issues. The location of the University of Canberra public hospital also will facilitate a knowledge sharing relationship with the University of Canberra through cutting edge research implementation and industry experience for students.

A range of measures will be put in place during development of the public hospital to avoid or mitigate impacts on matters of national environmental significance. However, due to unavoidable land residual impacts on a number of critically endangered flora, including box gum grassy woodland, the commonwealth government required an environmental offset as part of their approval. Variation 349 implements the conditions of the commonwealth approval and will add over 19 hectares to the existing Pinnacle Nature Reserve to offset the environmental impacts of the vitally important University of Canberra public hospital. To satisfy the conditions of the commonwealth approval and ensure the ongoing management and protection of the Pinnacle Nature Reserve we need to apply the nature reserve overlay over that site.

The Watson site, or Justice Robert Hope Park, will rezone block 7, section 72 Watson from PRZ1 urban open space to NEZ3 hills, ridges and buffer and will apply a nature reserve overlay over the site. The Watson site is also subject to a commonwealth approval where an environmental offset is required for medium density residential housing at block 6, section 64 Watson.

Justice Robert Hope Park is dominated by large mature trees that provide seasonal nectar and valuable foraging habitat for canopy birds and other tree dwelling fauna. The park is also part of a well-connected and diverse woodland open forest complex which extends across the north-eastern ACT and includes the critically endangered yellow box red gum grassy woodland area. The changes made in variation 349 will provide better protection for a number of key flora and fauna within Justice Robert Hope Park, including the regent honeyeater.

Variation 349 received four submissions during the public consultation period. All of the submissions were supportive of the variation but some raised concerns relating to the environmental values of the offset areas, the public availability of the offset management plan and the commonwealth and ACT government consultation processes on offset projects.

I will now briefly respond to the main concerns raised by the public. One submitter raised questions about the environmental values of the offset areas contained within variation 349. Variation 349 implements a condition of a commonwealth approval for environmental offsets in Belconnen and Watson. Therefore, the environmental merits of the offsets have already been deemed suitable by the commonwealth government in a robust approval process and do not require assessment by the ACT government.

Another issue raised during the consultation period related to the public availability of the offsets management plan for the Pinnacle Nature Reserve in Belconnen. The draft offsets management plan was submitted to the Commonwealth Department of Environment before 17 October 2015 in accordance with the conditions of the commonwealth approval. The offsets management plan was updated in consultation with community groups, including the Friends of the Pinnacles, in response to

comments received from the commonwealth. The offsets management plan was then resubmitted to the commonwealth for reconsideration in the week of 4 July this year. It is anticipated that the commonwealth will approve the offsets management plan by mid-August. Once approved, it will be made available through the ACT government website.

The offsets management plan for the Watson site is currently being drafted. Over the coming months the Watson offsets management plan will be submitted to the commonwealth for consideration and, once approved, will also be made publicly available through the ACT government website.

I consider that the previously mentioned issues have been adequately addressed in the report on consultation which is now publicly available on the Environment and Planning Directorate's website. I believe the changes implemented by variation 349 are positive as they add to our city's already extensive nature reserve network and will allow the ACT government to better protect and manage critically endangered flora and fauna in these two areas.

I move:

> That the Assembly take note of the paper.

MR RATTENBURY (Molonglo) (3.37): I want to make a couple of quick comments on this variation. Again, biodiversity conservation is something the Greens are critically interested in. Habitat loss and fragmentation are major threats to biodiversity and as our city continues to expand we need to ensure that our unique ecosystems and threatened species are conserved.

This requires a range of measures, from establishing reserves to ensuring improved connectivity, funding for weed and pest animal management and education programs. Biodiversity offsets have a role to play. They recognise that where habitat is lost through development, alternative measures are taken to compensate for this loss. However, biodiversity offsets should only be used as a last resort after every effort to avoid and mitigate impacts.

In some cases impacts cannot be offset, and no-go areas should be identified. The ACT Greens believe we need an offsets policy that does not perpetuate biodiversity loss. Principles include: that offsets should result in net gain for the specific species or ecosystem within the local area; that they achieve benefits in perpetuity; that they include a monitoring and reporting system to assess effectiveness; that they are legally enforced; that they should not include past conservation actions; that they should be put in place prior to development commencing; and that they should be supported by adequate funding for research, restoration and monitoring.

I am not convinced that we yet have an offsets policy or practices that meet all of these principles. We have made progress with strategic assessments as opposed to individual development proposals and their impact in isolation. For example, in Molonglo and Gungahlin, where biodiversity values and strategies to conserve these were identified across a wider area in a more strategic way, we have seen the strength of that strategic approach.

The variation before us today refers to two particular offsets that I want to make a comment on. In regard to the Pinnacle Nature Reserve in Belconnen where we are seeing an extension, this appears to be a good outcome. We are getting additional blocks added to the reserve. I think it is essential that we take a scientific approach to identifying offsets and ensure that the offset provides genuine conservation benefits over time.

In terms of Justice Robert Hope Park, I have some reservations about that one. It is being used as an offset for an urban development on a nearby woodland community. I am less convinced that a strategic approach has been taken here and question whether there will be a net biodiversity gain. I am aware of concerns of the community that their hard work in enhancing Robert Hope Park has been included as part of the offset. From their perspective, they have worked hard to improve the quality of these woodlands only to see a development proposal on a nearby area of woodland.

As we move forward we need to ensure a rigorous scientific approach and ongoing funding for management and monitoring the effectiveness of this offset. The Justice Robert Hope Park offset gives us pause to reflect on whether we have our principles right when it comes to biodiversity offsets. As I said, I acknowledge that a lot of progress has been made, but I think there is still room for further improvement when it comes to this matter of policy.

Question resolved in the affirmative.

Paper

Mr Gentleman presented the following paper:

> Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 April to 30 June 2016.

Planning and Development Act 2007—variation No 353 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. 353 to the Territory Plan—Changes to various zone development tables, codes and definitions, dated 26 July 2016, including associated documents.

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

Leave granted.

MR GENTLEMAN: I would like to talk about this variation. It seeks to implement changes as a result of the ongoing monitoring of the territory plan. A number of matters were identified across different parts of the plan that require amendments to better meet the needs of government, industry and the community.

The changes involved amendments to the types of development permitted in certain zones, including admitting restaurants and takeaway food shops in the suburb of Baird, which is of course east Fyshwick, and a supermarket with a maximum gross floor area of 1,000 square metres in the Canberra Outlet Centre in Fyshwick.

Other changes related to improving the understanding and functionality of some company-provisions in the Lease Variation (General) Code and an amendment to the Estate Development Code for access to narrow blocks. Refinements were also made to the definition of "major service conduits" to clarify the applicability of the definition.

Draft variation 353 was released for public comment between 20 May 2016 and 4 July this year. The variation received seven submissions. A report on consultation was prepared responding to the issues raised in those submissions. The report is publicly available on the EPD website and will be tabled with the approved version of the variation.

A revision of the draft variation that was placed on public consultation was made. The revision was in response to ongoing discussions with the Environment Protection Authority regarding site audit requirements in Baird relating to contamination. The Environment Protection Authority has endorsed the inclusion of an additional provision in the Baird precinct code. This provision requires applications for a restaurant or takeaway food shop to be accompanied by a report with written endorsement from the Environment Protection Authority advising that the site has been assessed for suitability from a contamination perspective.

I am satisfied that the issues raised by the community have been adequately addressed and as such did not feel it necessary to refer the draft variation to the Standing Committee on Planning, Environment, Territory and Municipal Services. I believe that these changes made through variation 353 support opportunities for development that meet community needs in some areas and improve functionality and clarity of certain parts of the territory plan.

Public Accounts—Standing Committee
Report 25—government response

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (3.44): For the information of members, I present the following paper:

> Public Accounts—Standing Committee—Report 25—*Review of Auditor-General's Report No. 9 of 2015*: *Public Transport: The Frequent Network*—Government response, dated August 2016.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Education, Training and Youth Affairs—Standing Committee
Reports 5 and 6—government responses

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport Canberra and City Services and Assistant Minister for Health): For the information of members, I present the following paper: (3.45):

> Education, Training and Youth Affairs—Standing Committee—Reports 5 and 6—*Inquiry into Vocational Education and Youth Training in the ACT—Interim Report and Final Report*—Government response.

I move:

> That the Assembly take note of the paper.

I am pleased today to table the government's response to the standing committee's report on the inquiry into vocational education and youth training in the ACT. I think we can all agree that the inquiry became a mammoth task, taking over three years, with seven public hearings and more than a dozen submissions. While perhaps not ideal that it should take so long, it is at least understandable when you consider the breadth, depth and complexity of vocational education and training, not just in the ACT but Australia-wide.

Across the country it is an education system undergoing fundamental and huge reforms. This inquiry was well timed to examine these changes and how we can improve our vocational system in the ACT to benefit Canberrans. While there were broad terms of reference covering the entire gamut of VET activity in the ACT, the committee took a strong interest in the recent collapse of an electrotechnology training provider and the transfer of 270 electrotechnology students to the Canberra Institute of Technology.

As we will all appreciate, the sudden withdrawal of a large provider of training had a significant impact on the sector, these students and their employers. The education and training directorate at the time needed to find an alternative provider for these students and turned to CIT. CIT agreed to take on this task and almost overnight near doubled its student numbers in electrotechnology. Each student's prior learning needed to be established and individual learning plans agreed.

CIT rose to this task and ensured that students had their previous training appropriately recognised and were provided gap training where needed, and supported students to continue their training to achieve their qualification. The effectiveness of CIT's response to this crisis is evidenced by the fact that the ACT electrical industry regulator has at no point raised any concerns about the quality of CIT electrotechnology graduates.

The Australian Skills Quality Authority, ASQA, audit of CIT's electrotechnology department also found CIT to be fully compliant in all examined aspects of the delivery and assessment of the certificate III in the electrotechnology electrician qualification. I would like to place on record my appreciation for the staff of CIT who took on this challenge and ably provided quality training to those students affected by the crisis.

Moving to the specific recommendations, as the Assembly is aware, on 9 June 2016 the committee released its final report, incorporating the interim report released earlier in the year. In total the committee has made 15 recommendations for the government to consider: 10 in the interim report and an additional five recommendations in the final report.

Overall, the government has agreed to the majority of recommendations of the committee and will work towards implementing those. The government has noted three recommendations—F1, F2 and F3—and does not agree with recommendation F4.1. I am happy to take the Assembly through the reasons why.

Recommendations F1 and F2 were noted. The government is satisfied that CIT has already undertaken the necessary processes to ensure that all graduating students have completed the necessary components of the electrotechnology training package. The Capstone unit, which is part of the qualification, provides a holistic assessment of skills and knowledge apprentices have gained during their apprenticeship. This assessment has been validated and is overseen by industry representatives and the ACT electrical industry regulator.

As already mentioned, the ASQA audit provided additional assurance that CIT continue to deliver the high standards required by the sector, by the government and by the community, and the ACT electrical industry regulator, which has the responsibility for issuing the electricians licence, has at no time expressed any concern regarding the competence of graduates from CIT.

With regard to recommendation F3, the government is also noting this recommendation as we consider that CIT has fully cooperated with the committee in the course of its inquiry. CIT has appeared before the committee on three occasions and provided comprehensive information on its training and assessment processes. In addition, CIT has provided responses to five questions on notice. The government is satisfied that all information requests from the committee have been responded to appropriately.

With regard to recommendation F4.1, I think it important to make clear the process that occurs in the event that an RTO cannot continue training, as was the case with the electrotechnology group. There seems to be some confusion from within the committee about this and the relevant sections of the Training and Tertiary Education Act 2003 may not have been fully taken into account.

While CIT are often well placed—due to their size and breadth of training—to take in students that may have commenced training with another provider which is unable to continue training, it is not their role to manage the transfer process. This role is, in fact, undertaken by the director-general of the administrative unit responsible for training

and tertiary education. In this case, that is the director-general of the Chief Minister, Treasury and Economic Development Directorate. As a result, within CMTEDD, Skills Canberra is delegated the legislative obligation to manage and monitor the transition of Australian apprentices to a new RTO in the event a previous RTO is unable to continue to deliver training.

Depending on the qualification being undertaken, there are typically a number of RTOs able to deliver the training, and the apprentice and their employer are able to choose the training provider that is best placed to meet their needs.

Lastly, I provide some minor comment on recommendation 4.2, to which the government is agreeing. In the normal course of events, a student transferring to another RTO will have an official transcript detailing the competencies achieved. This was not the case for all the students transferring to CIT from the electro skills group.

CIT undertook significant work to ensure that all the students who transferred from electro skills had the units they had already completed appropriately recognised. They also reassessed students who believed they had already completed units which were not listed on their official transcripts.

As I have previously emphasised to the Assembly, CIT has a record of delivering high quality education to apprentices in the ACT. The numbers of Australian apprentices choosing to study at CIT and the consistently high overall student and employer satisfaction rates are a testament to this quality and to the confidence the ACT community has in CIT.

In closing, I thank the committee for their work and would also like to thank all the officials from CIT, the former education and training directorate, and the Chief Minister, Treasury and Economic Development Directorate for their work on this inquiry and in preparing the government's response.

Question resolved in the affirmative.

Estimates 2015-2016—Select Committee—recommendation 69
Government response

DR BOURKE (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors): For the information of members, I present the following paper:

> Estimates 2015-2016—Select Committee—Report—*Appropriation Bill 2015-2016 and Appropriation (Office of the Legislative Assembly) Bill 2015-2016*—Recommendation 69—2015 ACT Australian Early Development Census results—Supporting our understanding of vulnerability in the early years—Government Response.

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

Leave granted.

DR BOURKE: As the Minister for Children and Young People, I thank the Assembly for the opportunity to table the response to recommendation 69 from the Select Committee on Estimates 2015-2016 on the inquiry into Appropriation Bill 2015-2016. This response provides an overview to the Assembly on the 2015 ACT Australian early development census results as well as detailed findings of the ACT regions.

These results support our understanding of unmet need for early intervention and prevention services through the identification of developmental vulnerabilities of children in relation to the early years of development. The AEDC results provide evidence to support health, education and community policy and planning. We will ensure that the 2015 results and the trend data from all three cycles is disseminated and translated to the community to support evidence-informed planning. Madam Assistant Speaker, I thank you for this opportunity to table this paper.

Closing the gap report 2015
Paper and statement by minister

DR BOURKE (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors): For the information of members, I present the following paper:

ACT Closing the Gap Report 2015.

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

Leave granted.

DR BOURKE: Today I rise to present the 2015 ACT closing the gap report, the third for the ACT. This report brings together programs, initiatives and key performance data on the ACT's progress in improving life outcomes for the members of our city's Aboriginal and Torres Strait Islander communities.

Though there is still much work to be done to improve outcomes for the Aboriginal and Torres Strait Islander communities of the ACT, in the pages of this report we will also find much to be proud of and celebrate, for example, the record growth in Aboriginal and Torres Strait Islander employees in the ACT public service; invaluable and ancient Aboriginal heritage sites that have been identified and conserved; or the community bus, which not only helps those most in need to reach essential services but also is driven by volunteers to bring together elders and youth at social, cultural and sporting events.

As in previous ACT closing the gap reports, this report highlights the ACT's performance against the national Indigenous reform agenda closing the gap targets, performance measures and progress trajectories agreed by all jurisdictions through the Council of Australian Governments. Closing the gap performance data tracks progress towards better outcomes and also shows if the gaps between Aboriginal and Torres Strait Islander and non-Indigenous Australians are reducing.

The latest available closing the gap data from 2013-14 has delivered some statistically significant and encouragingly positive outcomes for Aboriginal and Torres Strait Islander people in the ACT.

In 2014, the ACT met the progress points on the trajectories to halving the gap in all years in reading and numeracy except for year 7 reading. 2013-14 results showed significant progress for young adult education and attainment of qualifications for the ACT. Between 2008 and 2012-13, the gap for 20-year-olds to 24-year-olds who had attained year 12 or equivalent in the ACT decreased by an impressive 26.1 percentage points. Whilst there were apparent improvements for year 12 attainment nationally, the ACT was the only jurisdiction where the change in the gap for year 12 attainment was statistically significant.

Similarly, for employment outcomes, 2012-13 data showed that the ACT was the only jurisdiction which was on track to closing the employment to population ratio gap.

Rates of smoking, considered to be the leading risk for disease and death for Aboriginal and Torres Strait Islander people, continued to fall. From 2008 to 2012, the smoking rate in the ACT reduced by two percentage points, from 29.8 per cent down to 27.6 per cent. Here again, the ACT has shown great gains in comparison to other jurisdictions. Whilst the national gap for smoking rates was 26.1 percentage points in 2012-13, the ACT gap was the lowest of all jurisdictions, at a 15.0 percentage point gap.

These national statistics tell us some of the story, but there is more to be found in other ACT population and administrative data and information collected in the closing the gap report which I table here today, information which underlines that there is still much we need to do to overcome the legacy of past policies, particularly in relation to chronic ill health and the overrepresentation of children in statutory care and young people and adults in the justice systems.

According to the ACT Chief Health Officer's report for 2014, Aboriginal and Torres Strait Islander people had significantly more potentially preventable hospital admissions, at 33.7 per thousand, than other ACT counterparts, at 17.4 per thousand. Aboriginal and Torres Strait Islander people were hospitalised at almost twice the rate for circulatory diseases and around four times the rate for chronic kidney diseases and diabetes as compared to the rates for other ACT residents. Young pregnant Aboriginal and Torres Strait Islander women still had high smoking rates: 68 per cent for those aged less than 20 years and 59 per cent for those aged 20 to 24 years.

In the ACT child protection system, around one-quarter of the children and young people in care are Aboriginal or Torres Strait Islander.

The Uniting children and families program, a prevention and reunification service for vulnerable families in the ACT with children in care or at risk of entering care, collaborates with Uniting's Aboriginal development unit, Jaanimili, to provide specialist support to ensure that Aboriginal and Torres Strait Islander families are prioritised and receive a culturally proficient service. The program employs five

Aboriginal and Torres Strait Islander workers and is supporting 34 Aboriginal and Torres Strait Islander families. It is expected that the benefits of this program will be realised this financial year, resulting in fewer Aboriginal and Torres Strait Islander children coming into care.

In the ACT criminal justice system, Aboriginal and Torres Strait Islander people account for approximately 17.7 per cent of people. In the ACT youth justice system, pre 2013-14 data shows that, although Aboriginal or Torres Strait Islander young people made up only three per cent of the ACT population aged 10 to 17, they represented 26 per cent of all young people under youth justice supervision on an average day. That is, they were 12 times as likely to be under youth justice supervision as compared with other young people in the ACT. This was lower than the national rate of 15 times.

Despite these concerning statistics, progress has been made recently in diverting Aboriginal and Torres Strait Islander young people from the youth justice system. From 2011-12 to 2013-14, the numbers of Aboriginal and Torres Strait Islander young people decreased across a number of categories: youth justice supervision down by 35 per cent; community-based supervision down by 35 per cent; youth in detention down by 47 per cent; average time spent in custody at night reduced by 36 per cent.

There are other matters of concern for the ACT too. In the ACT, even though Aboriginal and Torres Strait Islander people make up only 1.5 per cent of the ACT population, during 2014-15 Aboriginal and Torres Strait Islander people made up 15 per cent of the total number of people accessing homelessness services, an increase of one per cent from the 2014 rate of 14 per cent.

Even in the ACT public service, where great progress has been made in increasing the number of Aboriginal and Torres Strait Islander public servants, in 2015 the average salary for an Aboriginal or Torres Strait Islander public servant was $6,631, or eight per cent, less than the average ACT public service salary. This was a greater pay gap than for women, people from culturally and linguistically diverse backgrounds and people with a disability in the ACT public service.

All this underlines the importance of maintaining focus on achieving more equitable outcomes for Aboriginal and Torres Strait Islander people and the importance of reports such as this ACT closing the gap report that build the evidence for future policy considerations.

This is why this report sets out the full range of ACT government policies, initiatives and funding commitments across all service sectors aimed directly at contributing to more equitable outcomes for Aboriginal and Torres Strait Islander people, families and communities in the ACT.

I would like to take this opportunity to announce some changes to future ACT performance reports. The two previous ACT closing the gap reports were structured on the building blocks of strategic action areas underpinning the national Indigenous reform agenda targets. The ACT closing the gap report 2015 is now structured around the seven key focus areas of the new ACT Aboriginal and Torres

Strait Islander agreement for 2015-18: strong cultural identities, healthy lives, lifelong education, safe communities, leadership, economic independence and a more connected community.

Future ACT government closing the gap reports will now be the reporting tools for the new agreement, implementation plan and associated outcomes framework. The agreement marks a significant milestone in the strengthening of partnership approaches to overcoming barriers and advancing opportunities for Aboriginal and Torres Strait Islander people in Canberra and the surrounding area.

The result of extensive work of government, community and non-government stakeholders, the agreement's focus areas and quality of life outcomes capture the priorities of the Aboriginal and Torres Strait Islander communities of the ACT. A distinct aspect of the agreement is its theme of strong families, reflecting the holistic Aboriginal and Torres Strait Islander approach to health and wellbeing for individuals and their communities.

The ACT government has been working collaboratively with the Aboriginal and Torres Strait Islander Elected Body and Aboriginal and Torres Strait Islander people to find solutions to problems which are a legacy of past policies and decisions. By working together, much can be achieved. I look forward to continuing to work in partnership into the future to build upon what has already been done and achieve improved outcomes for all.

I urge all my colleagues to read the ACT closing the gap report 2015 to see examples of innovative programs and initiatives that are helping on the journey to close the gap and create a more diverse, innovative and inclusive community. As Minister for Aboriginal and Torres Strait Islander Affairs, I recognise that closing the gap is a generational ambition, but I am confident that this resource will help guide ACT service delivery in the right direction.

Aboriginal and Torres Strait Islander Elected Body Act 2008—review and government response

Papers and statement by minister

DR BOURKE (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors): For the information of members, I present the following papers:

Aboriginal and Torres Strait Islander Elected Body Act 2008—Review—

Report prepared by Terri Janke.

Government response.

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

Leave granted.

DR BOURKE: I am pleased to present to the Assembly the independent review of the Aboriginal and Torres Strait Islander Elected Body Act and the government response to the review.

In 2008, the Assembly unanimously supported the establishment of the Aboriginal and Torres Strait Islander Elected Body. We have seen three terms for the elected body following elections in June 2008 and May 2011, followed by the last election in NAIDOC Week 2014.

The Aboriginal and Torres Strait Islander Elected Body have undertaken three elections and six hearings with senior officials of ACT government directorates and produced four reports containing recommendations to the ACT government to improve life outcomes for members of the local Aboriginal and Torres Strait Islander communities. They have been instrumental in the development of the ACT Aboriginal and Torres Strait Islander agreement and the Aboriginal and Torres Strait Islander justice partnership and have proposed a range of programs and services, including the ACT crime prevention strategy and the launch of the Aboriginal and Torres Strait Islander community bus.

During the second term of the Aboriginal and Torres Strait Islander Elected Body, both the elected body and the ACT government considered it appropriate to review the Aboriginal and Torres Strait Islander Elected Body Act 2008. Ms Terri Janke was engaged as the independent reviewer in early 2015. The final report was presented to the ACT government in December 2015.

The review found that on the whole the elected body performs a valuable role and should be maintained, and that the functions of the elected body under the act should be clarified to allow for more comprehensive community and stakeholder consultation and to formally establish the elected body hearing process within the legislation.

The reviewers sought feedback from the public and received 57 submissions to a survey on whether the functions of the act were effective in meeting the objectives of the act. Meetings were held with the elected body and members of the Aboriginal and Torres Strait Islander subcommittee of the ACT public service strategic board and identified community stakeholders, including traditional custodian groups. In total, 140 meetings were held across the ACT.

The review has made a number of agreed recommendations that will assist the elected body to more effectively advocate for and represent the Aboriginal and Torres Strait Islander communities of the ACT, in line with the principles of the ACT Aboriginal and Torres Strait Islander agreement for 2015-18 and the United Nations Declaration on the Rights of Indigenous Peoples.

The review also examined the effectiveness of supporting administrative and government arrangements in giving intent to the objectives and functions of the act. The recommendations seek to clarify and improve the legal parameters under which the elected body operates so that their work can better align with the objects of the act.

Of note in the review is that the functions of the act are too wide and need to be focused to a strategic high-level role; that the elected body is becoming too administrative in carrying out its functions and removing functions that do not meet the objectives of the act, such as the elected body having responsibility for the design of possible government programs for Aboriginal and Torres Strait Islander people, which is a responsibility of directorates; that communication with the Aboriginal and Torres Strait Islander community is a key focus of the elected body and that the community forum mechanism embedded in the act is limited and the elected body should develop a wider consultation plan that meets the needs of the community; that governance issues need to be addressed, including developing a code of conduct for elected body members and providing a framework to better manage issues of conflict of interest and protect the reputation of the elected body as the community's elected representatives; and that there is an inconsistency between the Electoral Act 1992 and the Aboriginal and Torres Strait Islander Elected Body Act 2008 relating to the election timetable.

The independent review contains 33 recommendations. The government response agrees to two recommendations and agrees subject to outcomes of consultation on the remaining 31 recommendations.

The ACT Aboriginal and Torres Strait Islander agreement for 2015-18, launched in May 2015, provides the strategic platform committing both the ACT government and the elected body to pursue equitable outcomes for Aboriginal and Torres Strait Islander people living in the ACT. The review recommendations will enhance the government's and elected body's commitment to delivering on outcomes through the agreement's key focus of strong families.

Following today's tabling, the ACT government will commence two rounds of consultation. The first will communicate the outcomes of the review and the government response to the recommendations. A second round in early 2017 will consult widely about proposed amendments to the Aboriginal and Torres Strait Islander Elected Body Act 2008. Printed copies of the review and the ACT government response to the review recommendations will be provided to those who gave feedback during the review. We will also support the elected body to hold community meetings to inform the community on outcomes of the review.

I look forward to seeing this work progress in the next Assembly.

Papers

Mr Gentleman presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Agents Act—Agents (Fees) Determination 2016—Disallowable Instrument DI2016-81 (LR, 16 June 2016).

Animal Diseases Act—Animal Diseases (Fees) Revocation 2016—Disallowable Instrument DI2016-136 (LR, 27 June 2016).

Animal Welfare Act—Animal Welfare (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-158 (LR, 30 June 2016).

Architects Act—Architects (Fees) Determination 2016—Disallowable Instrument DI2016 123 (LR, 27 June 2016).

Associations Incorporation Act—Associations Incorporation (Fees) Determination 2016—Disallowable Instrument DI2016-94 (LR, 16 June 2016).

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration (Fees) Determination 2016—Disallowable Instrument DI2016-82 (LR, 16 June 2016).

Building Act—Building (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-124 (LR, 27 June 2016).

Building and Construction Industry Training Levy Act and Financial Management Act—

Building and Construction Industry Training Levy (Governing Board) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-115 (LR, 23 June 2016).

Building and Construction Industry Training Levy (Governing Board) Appointment 2016 (No. 2)—Disallowable Instrument DI2016-116 (LR, 23 June 2016).

Building and Construction Industry Training Levy (Governing Board) Appointment 2016 (No. 3)—Disallowable Instrument DI2016-117 (LR, 23 June 2016).

Building and Construction Industry Training Levy (Governing Board) Appointment 2016 (No. 4)—Disallowable Instrument DI2016-118 (LR, 23 June 2016).

Building and Construction Industry Training Levy (Governing Board) Appointment 2016 (No. 5)—Disallowable Instrument DI2016-119 (LR, 23 June 2016).

Casino Control Act—Casino Control (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-154 (LR, 30 June 2016).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-108 (LR, 23 June 2016).

Civil Unions Act—Civil Unions (Fees) Determination 2016—Disallowable Instrument DI2016-95 (LR, 16 June 2016).

Classification (Publications, Films and Computer Games) (Enforcement) Act—Classification (Publications, Films and Computer Games) (Enforcement) (Fees) Determination 2016—Disallowable Instrument DI2016-85 (LR, 16 June 2016).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Climate Change Council Chair and Member) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-182 (LR, 30 June 2016).

Clinical Waste Act—Clinical Waste (Fees) Determination 2016—Disallowable Instrument DI2016-176 (LR, 30 June 2016).

Community Title Act—Community Title (Fees) Determination 2016—Disallowable Instrument DI2016-125 (LR, 27 June 2016).

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2016—Disallowable Instrument DI2016-126 (LR, 27 June 2016).

Cooperatives Act—Cooperatives (Fees) Determination 2016—Disallowable Instrument DI2016-86 (LR, 16 June 2016).

Court Procedures Act—

Court Procedures (Fees) Determination 2016 (No. 2)—Disallowable Instrument DI2016 101 (LR, 16 June 2016).

Court Procedures Amendment Rules 2016 (No. 1)—Subordinate Law SL2016-17 (LR, 30 June 2016).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2016—Disallowable Instrument DI2016-65 (LR, 2 June 2016).

Domestic Animals Act—Domestic Animals (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-159 (LR, 30 June 2016).

Electoral Act—Electoral (Fees) Determination 2016—Disallowable Instrument DI2016-93 (LR, 16 June 2016).

Electricity Safety Act—Electricity Safety (Fees) Determination 2016—Disallowable Instrument DI2016-127 (LR, 27 June 2016).

Emergencies Act—Emergencies (Fees) Determination 2016—Disallowable Instrument DI2016-102 (LR, 16 June 2016).

Environment Protection Act—Environment Protection (Fees) Determination 2016—Disallowable Instrument DI2016-177 (LR, 30 June 2016).

Fair Trading (Motor Vehicle Repair Industry) Act—Fair Trading (Motor Vehicle Repair Industry) (Fees) Determination 2016—Disallowable Instrument DI2016-87 (LR, 16 June 2016).

Financial Management Act—

Financial Management (Periodic and Annual Financial Statements) Guidelines 2016—Disallowable Instrument DI2016-121 (LR, 23 June 2016).

Financial Management (Statement of Performance Scrutiny) Guidelines 2016—Disallowable Instrument DI2016-122 (LR, 23 June 2016).

Firearms Act—

Firearms (Fees) Determination 2016—Disallowable Instrument DI2016-103 (LR, 16 June 2016).

Firearms (Use of Noise Suppression Devices) Declaration 2016 (No. 2)—Disallowable Instrument DI2016-175 (LR, 4 July 2016).

Fisheries Act—Fisheries (Fees) Determination 2016—Disallowable Instrument DI2016-178 (LR, 30 June 2016).

Freedom of Information Act—Freedom of Information (Fees) Determination 2016—Disallowable Instrument DI2016-104 (LR, 16 June 2016).

Gaming Machine Act—Gaming Machine (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-152 (LR, 30 June 2016).

Gas Safety Act—Gas Safety (Fees) Determination 2016—Disallowable Instrument DI2016 128 (LR, 27 June 2016).

Guardianship and Management of Property Act—Guardianship and Management of Property (Fees) Determination 2016—Disallowable Instrument DI2016-105 (LR, 16 June 2016).

Health Act—Health (Fees) Determination 2016 (No. 2)—Disallowable Instrument DI2016-73 (LR, 9 June 2016).

Heritage Act—Heritage (Fees) Determination 2016—Disallowable Instrument DI2016-129 (LR, 27 June 2016).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Price Direction for the Supply of Electricity to Small Customers on Standard Retail Contracts) Terms of Reference Determination 2016—Disallowable Instrument DI2016-138 (LR, 27 June 2016).

Juries Act—Juries (Payment) Determination 2016—Disallowable Instrument DI2016-181 (LR, 30 June 2016).

Land Titles Act—Land Titles (Fees) Determination 2016—Disallowable Instrument DI2016 96 (LR, 16 June 2016).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2016 (No. 1)—Disallowable Instrument DI2016-111 (LR, 23 June 2016).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2016 (No. 1)—Disallowable Instrument DI2016-112 (LR, 23 June 2016).

Lifetime Care and Support (Catastrophic Injuries) Act—

Lifetime Care and Support (Catastrophic Injuries) Disputes about Injury Guideline 2016—Disallowable Instrument DI2016-163 (LR, 30 June 2016).

Lifetime Care and Support (Catastrophic Injuries) LTCS Eligibility Disputes Guideline 2016—Disallowable Instrument DI2016-166 (LR, 30 June 2016).

Lifetime Care and Support (Catastrophic Injuries) LTCS Eligibility Guideline 2016—Disallowable Instrument DI2016-167 (LR, 30 June 2016).

Lifetime Care and Support (Catastrophic Injuries) LTCS Work Injury Levy Guideline 2016—Disallowable Instrument DI2016-168 (LR, 30 June 2016).

Lifetime Care and Support (Catastrophic Injuries) Treatment and Care for Work Injuries Guideline 2016—Disallowable Instrument DI2016-169 (LR, 30 June 2016).

Liquor Act—Liquor (Fees) Determination 2016—Disallowable Instrument DI2016-97 (LR, 16 June 2016).

Lotteries Act—Lotteries (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-79 (LR, 9 June 2016).

Machinery Act—Machinery (Fees) Determination 2016—Disallowable Instrument DI2016 67 (LR, 2 June 2016).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Controlled Medicines) Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-16 (LR, 30 June 2016).

Mental Health Act—Mental Health (Principal Official Visitor) Appointment 2016 (No. 2)—Disallowable Instrument DI2016-84 (LR, 14 June 2016).

Nature Conservation Act—Nature Conservation (Fees) Determination 2016—Disallowable Instrument DI2016-179 (LR, 30 June 2016).

Official Visitor Act—Official Visitor (Mental Health) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-83 (LR, 14 June 2016).

Partnership Act—Partnership (Fees) Determination 2016—Disallowable Instrument DI2016 98 (LR, 16 June 2016).

Pawnbrokers Act—Pawnbrokers (Fees) Determination 2016—Disallowable Instrument DI2016-88 (LR, 16 June 2016).

Planning and Development Act—Planning and Development (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-130 (LR, 27 June 2016).

Planning and Development Act and Financial Management Act—

Planning and Development (Land Agency Board) Appointment 2016 (No. 1)—Disallowable Instrument DI2016-120 (LR, 23 June 2016).

Planning and Development (Land Agency Board) Appointment 2016 (No. 2)—Disallowable Instrument DI2016-113 (LR, 23 June 2016).

Planning and Development (Land Agency Board) Appointment 2016 (No. 3)—Disallowable Instrument DI2016-114 (LR, 23 June 2016).

Prohibited Weapons Act—Prohibited Weapons (Noise Suppression Devices) Declaration 2016 (No. 2)—Disallowable Instrument DI2016-174 (LR, 4 July 2016).

Prostitution Act—Prostitution (Fees) Determination 2016—Disallowable Instrument DI2016 99 (LR, 16 June 2016).

Public Place Names Act—

Public Place Names (Campbell) Determination 2016—Disallowable Instrument DI2016 173 (LR, 7 July 2016).

Public Place Names (Greenway) Determination 2016—Disallowable Instrument DI2016 172 (LR, 7 July 2016).

Public Place Names (Kowen and Majura Districts) Amendment Determination 2016—Disallowable Instrument DI2016-80 (LR, 14 June 2016).

Public Pools Act—Public Pools (Active Leisure Centre Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-183 (LR, 30 June 2016).

Public Trustee and Guardian Act—Public Trustee and Guardian (Fees) Determination 2016—Disallowable Instrument DI2016-106 (LR, 16 June 2016).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-162 (LR, 30 June 2016).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-156 (LR, 30 June 2016).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2016 (No. 3)—Disallowable Instrument DI2016-69 (LR, 3 June 2016).

Rates Act—Rates (Deferral) Determination 2016 (No. 1)—Disallowable Instrument DI2016 148 (LR, 27 June 2016).

Rates Act, Land Tax Act, Land Rent Act—Rates, Land Tax and Land Rent (Certificate and Statement Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-141 (LR, 27 June 2016).

Registration of Deeds Act—Registration of Deeds (Fees) Determination 2016—Disallowable Instrument DI2016-89 (LR, 16 June 2016).

Retirement Villages Act—Retirement Villages (Fees) Determination 2016—Disallowable Instrument DI2016-90 (LR, 16 June 2016).

Road Transport (General) Act—

Road Transport (General) (Pay Parking Area Fees) Determination 2016 (No. 2)—Disallowable Instrument DI2016-165 (LR, 29 June 2016).

Road Transport (General) Parking Permit Fees Determination 2016 (No. 1)—Disallowable Instrument DI2016-164 (LR, 30 June 2016).

Road Transport (General) Segway Exemption Determination 2016 (No. 1)—Disallowable Instrument DI2016-153 (LR, 28 June 2016).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2016 (No. 1)—Subordinate Law SL2016-15 (LR, 29 June 2016).

Sale of Motor Vehicles Act—Sale of Motor Vehicles (Fees) Determination 2016—Disallowable Instrument DI2016-91 (LR, 16 June 2016).

Scaffolding and Lifts Act—Scaffolding and Lifts (Fees) Determination 2016—Disallowable Instrument DI2016-66 (LR, 2 June 2016).

Second-hand Dealers Act—Second-hand Dealers (Fees) Determination 2016—Disallowable Instrument DI2016-92 (LR, 16 June 2016).

Security Industry Act—Security Industry (Fees) Determination 2016—Disallowable Instrument DI2016-100 (LR, 16 June 2016).

Stock Act—

Stock (Fees) Determination 2016—Disallowable Instrument DI2016-137 (LR, 27 June 2016).

Stock (Levy) Determination 2016—Disallowable Instrument DI2016-134 (LR, 27 June 2016).

Stock (Minimum Stock Levy) Determination 2016—Disallowable Instrument DI2016-135 (LR, 27 June 2016).

Surveyors Act—Surveyors (Fees) Determination 2016—Disallowable Instrument DI2016-131 (LR, 27 June 2016).

Taxation Administration Act—

Taxation Administration (Amounts and Rates—Payroll Tax) Determination 2016 (No. 1)—Disallowable Instrument DI2016-145 (LR, 27 June 2016).

Taxation Administration (Amounts Payable—Disability Duty Concession Scheme) Determination 2016 (No. 1)—Disallowable Instrument DI2016-142 (LR, 27 June 2016).

Taxation Administration (Amounts Payable—Duty) Determination 2016 (No. 1)—Disallowable Instrument DI2016-76 (LR, 7 June 2016).

Taxation Administration (Amounts Payable—Duty) Determination 2016 (No. 2)—Disallowable Instrument DI2016-139 (LR, 27 June 2016).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2016 (No. 1)—Disallowable Instrument DI2016-77 (LR, 7 June 2016).

Taxation Administration (Amounts Payable—Land Rent) Determination 2016 (No. 1)—Disallowable Instrument DI2016-140 (LR, 27 June 2016).

Taxation Administration (Amounts Payable—Motor Vehicle Duty) Determination 2016 (No. 1)—Disallowable Instrument DI2016-144 (LR, 27 June 2016).

Taxation Administration (Amounts Payable—Over 60s Home Bonus Scheme) Determination 2016 (No. 1)—Disallowable Instrument DI2016-75 (LR, 7 June 2016).

Taxation Administration (Amounts Payable—Pensioner Duty Scheme) Determination 2016 (No. 1)—Disallowable Instrument DI2016-74 (LR, 7 June 2016).

Taxation Administration (Amounts Payable—Rates and Land Tax Interest) Determination 2016 (No. 1)—Disallowable Instrument DI2016-147 (LR, 27 June 2016).

Taxation Administration (Amounts Payable—Rates Fixed Charge) Determination 2016 (No. 1)—Disallowable Instrument DI2016-149 (LR, 27 June 2016).

Taxation Administration (Land Tax) Determination 2016 (No. 1)—Disallowable Instrument DI2016-143 (LR, 27 June 2016).

Taxation Administration (Rates) Determination 2016 (No. 1)—Disallowable Instrument DI2016-110 (LR, 27 June 2016).

Taxation Administration (Rates—Discount Rate) Determination 2016 (No. 1)—Disallowable Instrument DI2016-146 (LR, 27 June 2016).

Taxation Administration (Rates—Eligible Person Since 30 June 1997) Determination 2016 (No. 1)—Disallowable Instrument DI2016-150 (LR, 27 June 2016).

Taxation Administration (Rates—Fire and Emergency Services Levy) Determination 2016 (No. 1)—Disallowable Instrument DI2016-109 (LR, 27 June 2016).

Taxation Administration (Rates—Fire and Emergency Services—Eligible Person Levy) Determination 2016 (No. 1)—Disallowable Instrument DI2016-151 (LR, 27 June 2016).

Taxation Administration (Special Arrangements—Lodging of Returns) Approval 2016 (No. 1)—Disallowable Instrument DI2016-157 (LR, 30 June 2016).

Tobacco Act—Tobacco (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-170 (LR, 30 June 2016).

Tree Protection Act—Tree Protection (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-160 (LR, 30 June 2016).

Uncollected Goods Act—Uncollected Good Regulation 2016—Subordinate Law SL2016-14 (LR, 30 June 2016).

Unit Titles (Management) Act—Unit Titles (Management) (Fees) Determination 2016—Disallowable Instrument DI2016-107 (LR, 16 June 2016).

Unit Titles Act—Unit Titles (Fees) Determination 2016—Disallowable Instrument DI2016-132 (LR, 27 June 2016).

Unlawful Gambling Act—Unlawful Gambling (Charitable Gaming Application Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-155 (LR, 30 June 2016).

Veterinary Surgeons Act—Veterinary Surgeons (Transitional Provisions) Regulation 2016—Subordinate Law SL2016-13 (LR, 14 June 2016).

Waste Minimisation Act—Waste Minimisation (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-161 (LR, 30 June 2016).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-133 (LR, 27 June 2016).

Water Resources Act—Water Resources (Fees) Determination 2016—Disallowable Instrument DI2016-180 (LR, 30 June 2016).

Work Health and Safety Act—Work Health and Safety (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-68 (LR, 2 June 2016).

Workers Compensation Act—Workers Compensation (Fees) Determination 2016—Disallowable Instrument DI2016-64 (LR, 2 June 2016).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People Background Checking (Fees) Determination 2016 (No. 1)—Disallowable Instrument DI2016-171 (LR, 30 June 2016).

Government integrity
Discussion of matter of public importance

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

The importance of government integrity in the ACT.

MR WALL (Brindabella) (4.10): Madam Assistant Speaker, I am very happy to bring this matter of public importance to this place today, namely, as you said, the

importance of government integrity in the ACT. Today is one of the last opportunities in the Eighth Assembly to raise a matter of public importance and I believe the issue of integrity speaks to the heart of the legacy of the current Labor-Greens government led by Chief Minister Andrew Barr and how it will be remembered as we move on to the next Assembly.

The ministerial code of conduct dictates how ministers in this place act, and the virtue of integrity is outlined as:

> Ministers must not use their position or information gained in the performance of their duties to gain a direct or indirect advantage for themselves or their families or acquaintances that would not be available to the general public.

The first issue that must be raised in addressing the ACT government's integrity lies with the signing of the memorandum of understanding between ACT Labor and UnionsACT. It was signed directly by the Chief Minister. This deliberate and, what I would call, sneaky act, which was undertaken by another Labor government under another Chief Minister, took place here in the ACT initially 12 years ago and has presented a direct disadvantage for many in the general public but most notably local business for that entire time. The existence of the MOU with UnionsACT affects anyone tendering for business or contracts in the ACT who is not approved or endorsed by the union movement, which is ultimately the decision of the unions in the ACT. This document, in turn the union influence, ultimately has the power of veto over these potential contracts. Where is the integrity in this?

What has added insult to injury is the deflection that has been undertaken by the Chief Minister and his ministers in dealing with the criticism that has come from many businesses in the community about the memorandum of understanding with UnionsACT. Their "nothing to see here folks" approach, "it's been around for a long time" attitude, is just not cutting it for the general public and, in fact, does not pass the pub test at all. In the words of Peter Strong, Chairman of the Council of Small Business of Australia, the existence of this document and the government's failure to be transparent about its existence are "both dishonest and deceitful". This smacks of cronyism in its purest form. I will also continue to maintain that the integrity of every single Labor minister has been compromised by the existence of this MOU.

The fact that there is no formal process for the provision of advice on contracts between the unions and ministers or government agencies themselves is, itself, a damning indictment on the way that the Labor Party has conducted itself in office. A phone call here or a conversation there is all that is needed to destroy a business's chances of obtaining ACT government contracts because of the way this government has gone about doing business.

We are also no closer to finding out just what, if any, advice the government has received of a legal nature, which it would be inappropriate or not to share the details of, surrounding applicants for a tender process with third parties outside the government. I would wager that this advice has indeed been provided and that the answer was not what the Chief Minister or the ministers of the executive wanted to hear.

I think it is safe to use the words of a former Labor Chief Minister to back up my view in this context. Mr Stanhope has come out publicly slamming what he calls Labor Party corruption and stated:

> The concentration of power in the hands of unions and factions has corrupted the party, robbed it of talent, discouraged people from joining and ultimately will leave it devoid of relevance.

There is no doubt that there is a clear feeling in the community that the current government is well out of touch. Many constituents I speak to are fed up. A common feeling expressed often to me is that the government has been in power for far too long.

The other longstanding perception that comes across to me when talking to residents out and about is that this current Labor-Greens government looks after its mates and has a long history of doing so. This is a challenging legacy for an incoming Liberal government and there is no doubt about that. There are longstanding practices in place and a bureaucracy that has been slowly and surely infiltrated by significant numbers of ex-Labor staffers and Labor Party members as time has gone on. It is a legacy that my colleagues and I are well aware is before us should the ballot box reflect what I believe it will if the electorate's disdain for this government is expressed on 15 October. However, that will be a good problem in my view and it will be a good challenge that my colleagues and I savour the opportunity for.

The *Canberra Times* editorial of 14 May this year titled "Government by Cronyism" referred to "the air of patronage and cronyism that has swirled about the Barr government in recent months". The editorial concluded with the same sentiment:

> The chief minister's "nothing to see here" rhetoric is remarkable for its stubbornness. Plain ignorance or oversight of the rules of government—the failure to observe the unsolicited development proposal guideline that "no approaches will be made to ministers or other officers within the ACT government … prior, during or after the phased process" being just one instance—may be a factor.
>
> The more probable cause is that Mr Barr's long stint in the corridors of power (which goes back to 2002 and a job as an adviser to John Hargreaves) has bred in him the firm belief that he can do no wrong.

Another issue in a long line of issues that relate to the integrity of this government lies in the Brumbies debacle and the KPMG report relating to the sale of the Brumbies' Griffith headquarters and subsequent move to the University of Canberra. The perceived stench around the connections and the headlines borne out of this issue is testament once again to this government's approach to integrity.

The *Australian* newspaper of 28 May this year heralded this loudly and clearly via a headline that read:

> Former ACT MP brokered Brumbies deal that benefited his firms.

Another, on 27 May, read:

> ACT grant to Brumbies shifted to developer.

These are telling headlines, telling not only to me and my colleagues but also to the wider Canberra community.

On another occasion we have seen one of the newest ministers in cabinet tainted by news that as a minister she was briefed on a development proposal by her husband. Headlines relating to Minister Fitzharris having to defend her integrity do nothing to dispel the perception that is out there. Mr Rattenbury has shared his own insight into the perception in the Canberra community around the integrity of this government. He has been quoted as saying:

> People do have concerns in the community. You do hear rumours around town.

Yet what action has Minister Rattenbury taken? As we heard in question time today, he was unable to answer this question with any decisive statement that when concerns have been raised with him he has raised them with the appropriate authority. At least members of this place have the perception that in fact Mr Rattenbury has done nothing.

The proposal by Aquis to expand the casino and apply for poker machines has been before the government for several months and concerns have been raised with the government about the University of Canberra sports hub and deals between the ACT government and Aquis. Yet there is no response from this government to these concerns, nothing at all revealed that would serve to dispel the perception that there are too many links between various entities and the government and those on the front bench.

There is a genuine perception in the community that something is fishy, something fishy is going on, on the other side of this parliament. Fifteen years of Labor power-broking and cronyism may well be coming to an end. My view is that in its dying days these unflattering headlines will be what this government is most remembered for. That will be the lasting legacy of the Barr years in power.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (4.19): I am pleased to once again have the opportunity to outline the centrality of integrity, ethical behaviour and evidence-based decision-making in government. A strong integrity framework is vital if the government is to be effective in serving the people of Canberra. That is why we have put in place a series of measures that strengthen our governance and decision-making framework, improve community consultation processes and provide for better and earlier release of information and the rationale for government decisions.

The community does have high expectations of all of their elected representatives and, as government ministers, we are rightly held to high standards of accountability and integrity. This place has adopted the Latimer House principles, including:

> … entrenchment of good governance based on the highest standards of honesty, probity and accountability.

Adopting these principles includes a commitment to develop, adopt and periodically review appropriate guidelines for government integrity. This includes things like the code of conduct for members of the Legislative Assembly, the ongoing role for the Commissioner for Standards, the implementation of a lobbyist register and a supporting code of conduct during this Assembly, the appointment of the Ethics and Integrity Adviser and reforms to public interest disclosure legislation which provide stronger protection for whistleblowers and encourage reporting of corruption and serious wrongdoing.

These initiatives are the foundation of government of integrity and accountability and complement the work of the Head of Service to build a strong culture and behaviour founded on integrity and ethical behaviour across the ACT public service. The ACT public service code of conduct defines integrity as:

> … being apolitical, honest, dependable and accountable in public servants dealings with ministers, the parliament, the public and—

importantly—

> each other. It means recognising achievement, not shirking uncomfortable conversations and implies a consistency in public servants' dealings with each other.

The code outlines that the value of integrity is supported by a number of signature behaviours, including taking your job seriously, being accountable, communicating effectively, giving and receiving information and advice without fear, serving the government of the day, making sound decisions and understanding your legal obligations. I want to put on record this afternoon that in my extensive dealings with the ACT public service across directorates at all levels I have found that officers have met these requirements of integrity, accountability and honesty.

I recently attended the ACT public sector awards for excellence where I was very pleased to be able to provide awards to public servants based on the values and signature behaviours enshrined in the service, including awards for respect, for collaboration, for innovation, for leadership and for integrity. These awards showcase public servants who have exemplified at least one of the values in their work. Given that there were more than 120 nominations received and 40 nominations short-listed resulting in six awards, I believe we can confidently say that the integrity framework is reflected and delivered by our public service.

I am confident that integrity and accountability are central to this government, to its executive and to the broader ACT public service that serves our city's residents so well.

MR HANSON (Molonglo—Leader of the Opposition) (4.24): I am glad that the response from Mr Barr today has been a bit calmer than the last time issues about

integrity were raised. I am referring of course to the estimates committee when concerns were raised, there were questions asked of Mr Barr and he at that stage decided instead to go on the attack and call me a coward. He called the *Canberra Times* "a tired old journalism outfit, a decaying forum in terms of readership and interest". I am encouraged that today he has not sought to use that sort of language or that sort of attack. I hope that he is taking these issues seriously, and perhaps the fact that one of his own ministers has raised these issues of concern and has called for integrity measures is perhaps sobering for the Chief Minister.

I thank Mr Wall for bringing this matter before the Assembly today. I thought his speech was considered and raised a lot of very pertinent points. The reality is that there is a real perception in the community that something just does not smell right about this government. There is a range of issues, and I will go through some of them today. It is not just the Canberra Liberals saying this. There are many observers, there are many people who are engaged in the political process who have actually gone so far as to speak publicly to raise these concerns, some of which are under investigation by the AFP. There are matters before the court, and the Auditor-General is conducting investigations into a number of issues as well.

These are not matters to be taken lightly. I note that is not just the *Canberra Times* but the *City News* raising these issues. Mr Michael Moore, a long-term political adviser, a former member of this place, has provided comment and talked about the odour around ACT Labor. This is in the current issue of the *City News*. He made the point that there is a smell. He went into some detail and said that there is a whiff around planning and development. He cited as an example:

> The Hong Kong-based Aquis casino has ready access to the political process, its proposed $330 million development flies in the face of long-term agreements on poker machines and provides privileged access to a prime lease of land and bypasses an open and transparent process of competitive tendering.

He went on and talked about a number of other deals and the closeness of those deals to members of the ACT Labor government. Indeed, spouses of ministers and also former ministers of this place are involved. Mr Moore made the further point:

> In the ACT they also appear to be acting at the behest of the unions. In March the closeness was revealed by the release of a memorandum of understanding with UnionsACT which, amongst other things, stated: "Prior to any contract being awarded: the list of tenderers for each contract will be provided to UnionsACT" and later, "only providers/performers of works and services who meet the set criteria will be pre-qualified."

He made the point that a long-term government that carries an odour of incumbency is in real danger of being annihilated. Whatever the political judgement is at the ballot box, there is no doubt that Liberal Party candidates come back to me and say that they are out doorknocking, that on the doorsteps these are real, live issues that are made to them and that people are noting the snow around this government and they do not like it, regardless of their political affiliation. In fact, much of the commentary comes from Labor Party members who are disappointed in their own government.

Mr Wall referred to some comments made by Mr Stanhope and his concerns about what is going on inside the Labor Party. And it is that sort of attitude within the Labor Party, I think, that has led to what we are seeing being played out in the public perception.

Mr Tony Powell, the NCDC boss from 1974 to 1985, recently said at a forum with regard to development at Lake Burley Griffin that the Barr government was prone to corruption of due process in the administration of land and property development. This is not somebody who is speaking on behalf of the Liberal Party. He has not got a political point to make. This is somebody who ran the NCDC. This is somebody who understands how this sort of business should be conducted and is looking at the way the Barr government is dealing particularly on a range of land deals and the insider deals that seem to be happening and is raising serious concerns about that corruption.

As I said, Mr Rattenbury has come forward and acknowledged that there are significant concerns in the community. It was unclear in question time today whether he would actually be taking any action to refer those matters to appropriate authorities, be it the Ombudsman or the Auditor-General or perhaps the police. He is shaking his head that he has not. But what he has done is call for an integrity commission. One could be a little cynical and wonder why that has happened at the end of the term of government, not at the beginning of the term of government, for Mr Rattenbury.

Regardless of the integrity measures that are put in place—and I agree there need to be increased integrity measures—I would argue obviously that a change of government is the only response that ultimately will clean away the smell; regardless of who is in government, whether the Labor Party is re-elected or whether we do come to power, there is a need for better integrity measures around this government. I will be bringing forward a motion tomorrow where we can extend that debate about what the response might be.

Some of the specific issues that are being investigated—and again I will not go into too much detail on them as they have been well litigated in this place and in the media—include the lease variation charge that was signed by Mr Barr, $7 million of community benefit. There are serious questions about where that money has gone. The matter is being investigated by the AFP. The matter is before the courts. Mr Lamont has been issuing subpoenas with regard to that matter. It is very murky.

There are issues being investigated by the Auditor-General, as I understand, with regard to the Land Development Agency, particularly relating to a block of land at Glebe Park and the valuation of that block of land. That, again, has been litigated in the media and in this place. But there are significant issues of concern sufficient that the Auditor-General is investigating those.

This has led to organisations like the *Canberra Times* writing editorials titled "Government by Cronyism", quotes from small business organisations about living in the crony capital, the *Canberra Times* again talking about the smell between the government and the unions over their deal, the concern that the Chief Minister seems to have a "familiarity with power not wholly admirable or indeed desirable". There

was the extraordinary comment by the secretary of the Labor Party that "if we started throwing people out of the Labor Party for fines, we probably would not have many people left".

The quotes are extensive and they cover people from all walks of life, from all political parties. We now have the Greens engaging and saying that there are concerns. We have Labor Party members saying that there are concerns. We have people from a broad range of media outlets saying that there is a smell around this government. The question is: how do we respond? I make the case that after 15 years governments do start to smell—and this one is rotten—and it is time for a change if we are going to restore integrity to the people of the ACT.

MR RATTENBURY (Molonglo) (4.34): The Greens have always campaigned for transparency and integrity in government. In 2009 we championed creating the position of independent arbiter to rule on the release of government documents. In 2013 we put the proposal for a commissioner for standards to oversee the conduct of members of this place with regard to the members code of conduct. And in 2016, this sitting, the Assembly will consider our nation-leading freedom of information legislation here in the Assembly.

We have always campaigned for clean elections and for banning donations from corporations to political parties. We were the only party who voted to keep our best-practice electoral donations laws, laws that were designed to stop corporations from donating to political parties. Political donations of the nature that the Canberra Liberals receive, like those from New South Wales developers, are the kinds of donations that the Greens do not support and do not accept.

Both the Liberals and the Labor Party overturned those strong donation laws. That vote went 16-1 in this place. Mrs Jones, Mr Coe and Mr Hanson all voted to get rid of these rules, just as every other member of this place did, whilst at the same time increasing the public subsidy for each party from $2 to $8 per vote.

Opposition members interjecting—

MR RATTENBURY: We do this because the Greens believe that the community deserves to trust in its political representatives and that democracy works best when the community has confidence in the government. That is what we believe. That is what we have always stood for and it is what we will continue to fight for. That is why I have announced on the weekend that we will bring forward to this election a policy to establish an independent integrity commissioner; one that has caused great interest in my Liberal colleagues across the chamber.

Mr Coe: Why do you need an ICAC? Tell us why you need an ICAC.

MR RATTENBURY: I will tell you exactly why we need it, Mr Coe. Be careful what you wish for. The independent integrity commission will be responsible for maintaining the standards of conduct, proprietary and ethics in the ACT's public services, agencies and politicians. It will be given powers to conduct investigations into allegations of misconduct and be able to continue investigations when criminality

is suspected. It will also, importantly, undertake prevention through education and support for agencies and offices to improve policies and procedures where necessary. That is also a proactive role. It is about saying that through continual improvement you can avoid some of these things arising, because prevention is a very important component of this announcement.

The ACT is unusual in not having an independent investigative integrity body and we believe it is time to change. Even the Northern Territory is on its way to putting an integrity commission in place. For all the interjections that are going on and all the silly comments that have been made in the chamber today, it is actually about being on the front foot. Every jurisdiction has something like this in place and we believe there is scope to do something similar.

If we want the community to place their trust in us, and if we are genuinely putting the community's needs first, then we need to have the mechanisms in place to shine a spotlight into the darker corners. An integrity commission is just another way to build that confidence. I think it builds on the sorts of measures that we have already put in place. Mr Barr outlined a number of them today, and I believe that this is about continuing to move forward; it is a process of continual improvement.

I want to be clear here: part of the reason that the Greens have made this commitment is because we believe in building the capacity of governance to be able to assure the community that misconduct or corruption is not occurring, not because we believe that corruption or misconduct is occurring.

As I was asked and as I answered in the chamber today, albeit under a fairly dubious line of questioning, I have not had any specific allegations raised with me about specific acts of misconduct. People go round and say things, just like the Liberal Party are willing to do. They will stand up and say things when they have not got the evidence to put forward. Mr Hanson had a go at me in a debate today saying, "Well, if you've got evidence, why don't you take it to the police or somebody?" I have not said I have got evidence; I have said people have made passing comments to me. The very comment I made in launching this policy on Sunday—and I have repeated it here today—was that it is all about the community having confidence. When people raise concerns, that confidence is undermined. We need to make sure that we have the mechanisms in place so that, if somebody genuinely believes they have some evidence, they have got a place to take it.

People in the community have communicated disquiet to me, and that is why I think we should have a mechanism in place to address that disquiet. I do not think it is good enough that there can be rumours and innuendo and that there is no place for those to be investigated, but nor is there a place for people to put up or shut up. We have a Liberal Party that are happy to cast all the aspersions they like and they are happy for the innuendo to swirl around without actually having evidence to back it up. What we are doing here is creating a mechanism so that they have to put up or shut up as well. They have either got the evidence, and they have to put it on the table, or they need to quieten up.

Now that the Liberal Party have asked me what people have said to me—and I was not planning to come in here and repeat rumours because I do not think that is a very healthy thing to do—and have twisted my words from today's debate about what I said in question time, let us be honest about what some of that community disquiet has been. It is about the ACT Liberal Party receiving donations from New South Wales developers and people wondering why that is happening. They are the sorts of rumours and innuendo that people have raised with me. Mr Hanson has been subpoenaed about a suppressed document. These are the sorts of rumours that swirl around to me. The Liberal Party come in here and say, "Well, why don't you tell us what the rumours are?" I generally choose not to bring them forward, but they are the sorts of things that, if they want to twist my words, I will reflect back to this chamber as the sorts of things the community has raised with me.

The bottom line for the Greens is that, when it comes to integrity, the aim of the game is prevention. That is the view of the experts. It is the premise on which the New South Wales independent commission has been set up and the basis on which the Tasmanian Integrity Commission operates. The Tasmanian case is a particularly good example. A key part of their role is an educative role. It is a preventative role about working with government agencies to make sure they understand the way the rules work, to maintain standards in the public service and to make sure that they are skilled and equipped so that if somebody does try to do the wrong thing, the public servants are well prepared for that.

That is the basis on which we have made the policy announcements that we have made. It is a proactive strategy and a reactive strategy. It is a proactive strategy to ensure that we are operating at the best levels of integrity we possibly can and a reactive strategy so that, if rumours or accusations are made, there is a suitable forum in which to argue that case.

We should always ensure that these processes are robust and in place, preferably to avoid and mitigate corruption before it happens as well as investigate it in cases where it does happen or seems likely. Political donations, close relationships and poor culture can all lead public officials and politicians into the kind of behaviour that diminishes the trust the public have in government processes. The Greens want the community to have confidence in every part of government in the ACT, so we must put in place the processes that ensure that the kind of rumour and innuendo that the Canberra Liberals are happy to peddle have a forum where they can actually be investigated. Right now I doubt that the Canberra Liberals would have any substantive allegations to make because, if they did, I assume they would have taken them to the appropriate forum.

Mr Coe: How do you know we haven't?

MR RATTENBURY: The Canberra Liberals have come in here today and had a go at me, and all I have said is, "I hear some things around town." We have now got Mr Coe interjecting across the chamber suggesting that they do have the evidence. Well, let us hear it. If you think you have got it, let us hear it.

Mr Coe: Or we have been to appropriate channels and they're investigating right now, as you well know.

MR RATTENBURY: Mr Coe cannot have both sides of the coin. He has come in here and he has had a go at me. He and his colleagues have had a go at me today. I will not respond to the interjections other than to say that I have been very clear about the policy the Greens have brought forward. I have been clear about the track record we have in this place and I have no qualms about the position that we have taken on any of these matters.

MR COE (Ginninderra) (4.43): I had not intended to contribute to this debate, but I think it is important that I respond to what Mr Rattenbury said. There are some mechanisms in the ACT that exist for making some reports of potential or alleged misconduct. These are opportunities that the opposition has used. In actual fact, there are some mechanisms—one, in fact, got reported today—but there are also some other avenues which are being utilised which are investigating some concerns that have been brought to the opposition's attention and an inquiry is taking place as we speak into these very serious matters. I have not aired them in this place for good reason because there is a mechanism that we are using. It is all very well for Mr Rattenbury to ask me which one is that, asking me to air the very concerns that he told me I should not be airing. The truth is that all of these issues are very complex. We have to be very careful about how we go about litigating these issues.

But, once again, we seem to have a situation whereby the Greens claim to be righteous. They claim to walk both sides of the fence. We do not accept that; we simply do not accept that. We think that there are a number of mechanisms in place at present that can and should be utilised. It is not to say that they are perfect. It is not to say that they cannot be strengthened, but there are, of course, avenues open to all members of this place. If Mr Rattenbury has heard rumours, if Mr Rattenbury is aware of concerns, there are different forums which he can go down to air those in appropriate channels, and I would encourage him to do so.

Discussion concluded.

Family Violence Bill 2016

[Cognate bill:
Personal Violence Bill 2016]

Debate resumed.

MR RATTENBURY (Molonglo) (4.46): The Greens support the Family Violence Bill and the Personal Violence Bill. These bills are a further response to the problem of domestic violence, a problem we absolutely agree needs all government efforts to help address. These bills implement recommendations from the Australian Law Reform Commission and the New South Wales Law Reform Commission report on responding to family violence.

The Family Violence Bill will expand the definition of family violence to ensure it includes emotional, psychological and economic abuse. This recognises that family violence is not just physical violence but can encompass a whole spectrum of behaviours that involve a person exercising control and power over the victim by inducing fear.

Looking at the Law Reform Commission's report on family violence and at the submissions, I noted the strong case for ensuring the definition of family violence was appropriately broad. Submitters noted that improvements to the Victorian definition of family violence had flowed through in many positive ways. For example, the changes to the definition are being utilised in men's behaviour change programs as an opportunity to talk about the impact of family violence such as the impact of controlling behaviours.

The Magistrates Court and Children's Court of Victoria also said that the change of the definition has resulted in a significant increase of approximately 10 per cent in the number of applications to the courts for family violence protection orders. The courts said that the definition encourages magistrates to broaden their thinking about the risks associated with the history and dynamics of the relationship between the applicant and the respondent.

The bill will prevent a self-represented respondent from personally cross-examining an applicant for a family violence order. The intent here is to protect the rights of the complainant and protect them from the potential distress and humiliation caused by personal cross-examination.

As the New South Wales Law Reform Commission explained, this also has the potential to negatively impact on the complainant's ability to answer questions and affect the quality and nature of the evidence received, especially where the complainant and the defendant have or have had an intimate or family relationship.

The same provisions already exist in relation to the cross-examination of complainants in sexual offence proceedings by unrepresented defendants. Questions are instead asked by a person appointed by the court. The bill allows police interviews with an adult victim of sexual assault to be used as evidence-in-chief in a criminal trial. This is already the case when a victim is under 18 years of age. This was a recommendation from the Australian Law Reform Commission, who pointed out that this is a mechanism to minimise the negative experiences of complainants of sexual assault in the criminal justice system. The commission does point out, however, that the wishes of the complainant should be taken into account in the decision-making process by the court and prosecutors. I would appreciate it if the Attorney-General can confirm that this will be the case when this new provision is put into practice in the ACT justice system.

The bill introduces after-hours orders which will allow police and courts to put in place appropriate measures to protect the person potentially subject to family violence. This is a good improvement which is another step in helping to keep victims safe. Similarly, the bill implements the scheme for national recognition of family violence orders to allow domestic violence orders issued in one jurisdiction to be automatically registered and enforced in all of the others.

As well as supporting the Family Violence Bill, I support the Personal Violence Bill. It remakes the Domestic Violence Protection Orders Act to provide a scheme for personal violence and workplace violence orders. This act is repealed by the Family Violence Bill. Personal violence and workplace violence orders relate to a perpetrator other than a family member. The Personal Violence Bill also updates terminology and processes to ensure consistency with the changes made through the Family Violence Bill. I am pleased to support both of these bills and the many ways that they seek to address family and other violence in our community.

MS BERRY (Ginninderra—Minister for Housing, Community Services and Social Inclusion, Minister for Multicultural and Youth Affairs, Minister for Sport and Recreation and Minister for Women) (4.50): The Family Violence Bill 2016 and the Personal Violence Bill 2016 confirm the ACT government's commitment to a safe and violence-free community in the ACT. There is nothing simple about domestic and family violence. The intertwined nature of people's lives is what gives rise to situations where controlling behaviours are possible.

Among many reforms, the Family Violence Bill recognises and responds to the complexity of contemporary family and living arrangements. The Personal Violence Bill provides legally enforceable mechanisms to facilitate the safety and protection of people who fear or experience personal violence other than family violence. Together the two bills provide an important legal framework for protecting people who fear or experience violence in their homes, in their workplaces or in the community.

While the reforms set out in these bills aim to protect all victims of violence, they recognise that people with disabilities, particularly women with disabilities, are significantly more likely to experience violence, including domestic and family violence, than people without disabilities. People with disabilities experience violence in a variety of settings, including the family home, group homes, nursing homes, hospitals and other care and support settings.

These bills expand the definition of family to capture a range of contemporary living arrangements and allow for extended personal violence orders in circumstances where a family relationship is not established. This is designed to ensure that the family and personal violence order systems are able to respond to relationships of power and control that create the potential for violence in modern family settings and living arrangements.

The voices of women with disabilities affected by violence are both too rarely heard in our community and too often heard by the people that they report to. Women With Disabilities Australia have collected stories from their clients who were affected by violence. In one of those stories a young woman named Rebecca says:

> I believe the big difference for a woman with a disability experiencing domestic violence is that people just do not believe you. They still have this underlying assumption that the able bodied partner is wonderful taking on a person with a disability. In my case it fed his ego. I was astounded by people who did not believe my fear when I eventually told them. They believed I was overacting. I remember the disbelief of some of my neighbours and one saying, "He would not do that. He has done so much for you for so many years."

These stories are too common. As our service system works to improve its response to people with a disability, it is important that our legal system does the same. These bills seek to ensure that people with a disability are given a voice in our legal system. People with disabilities often experience discriminatory assessments of their ability to understand or respond to legal proceedings. This can see them excluded from the benefits that the justice system can offer. Under both bills every person is presumed to have legal capacity from the age of 14.

The bills focus on the ability of parties to a proceeding to make decisions in relation to proceedings and understand the nature and effect of these decisions. This returns a fundamental right to women who are too often stripped of their agency. At the same time, the bills provide important mechanisms to ensure that people who need support in making decisions can receive adequate and appropriate assistance, including representation by Legal Aid and the appointment of litigation guardians.

These mechanisms promote equality before the law and ensure that appropriate supports are available to ensure that everyone exercises their rights and responsibilities under these bills. The government acknowledges that the amendments in these bills engage and limit the rights of family violence perpetrators. However, those limitations are proportionate and justified in the circumstances because they are the least restrictive means achievable to achieve the purpose to protect the human rights of others.

Violence will not be tolerated in our community and victims should feel supported to speak out and report acts of violence, including family violence and personal violence. These bills help the ACT work towards a culture that is safe, respectful and just for all and make particular effort to ensure that legal remedies are accessible and available to everyone, particularly those people in the community who may experience greater risks of violence. Madam Deputy Speaker, I am pleased to be part of a government that is bringing forward these amendments today.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.55), in reply: I would like to thank all members for their support of these two important bills that we are debating this afternoon, both of which are designed to strengthen our community's response to domestic and family violence, including sexual assault.

The reforms outlined in these two bills align with the second implementation plan of the ACT's prevention of violence against women and children strategy and support the findings of three recent reviews into ACT family violence: firstly, the Review into the System Level Responses to Family Violence in the ACT that was commissioned by the government and conducted by Mr Laurie Glanfield AM; secondly, the review of domestic and family violence deaths by the Domestic Violence Prevention Council; and, thirdly, the domestic violence service gap analysis project, which was undertaken by the Community Services Directorate.

The bills establish the legal framework for the protection of people from domestic, family and sexual violence and implement 22 key recommendations made in the joint report of the Australian Law Reform Commission and New South Wales Law Reform Commission *Family violence—a national legal response*. The bill also implements the scheme for national recognition of family violence orders. This is particularly important to ensure that a family violence order made in one jurisdiction is recognised and legally enforceable in another.

The bill also implements the joint report recommendations to provide a preamble in our family violence law in all states and territories. The preamble introduces important principles into our law and explains the nature, features and dynamics of family violence. It makes clear that family violence is not acceptable and that freedom from family violence is a human right and should be protected by our justice system. It also recognises the heavily gendered nature of family violence and that it can occur in all strata of our society.

The bill expands the definition of family violence to expressly include a broader range of behaviours, including emotional, psychological and economic abuse. This definition covers commonly acknowledged forms of family violence and reflects well-established research into the nature of this type of violence. The responses to domestic and family violence have traditionally focused, of course, on the physical means of violence but this reform that we will vote on today highlights that non-physical forms of violence are equally unacceptable.

The bill will also build on the work currently being completed at a national level to improve Australia-wide responses to this problem. As I have indicated, it will introduce a national domestic violence order to allow for the recognition of domestic violence orders in one jurisdiction across all others. The bill introduces the model scheme laws agreed to by COAG to this end.

The Personal Violence Bill provides a scheme for personal violence and workplace violence orders similar to that available under the current Domestic Violence and Protection Orders Act. Workplace protection orders and personal protection orders are important tools to protect people from violence in situations that are not family violence. The Personal Violence Bill will retain the existing legally enforceable mechanism to facilitate the safety and protection of people who fear or experience personal violence individually or in a workplace.

Finally, the Family Violence Bill includes some important changes to improve the court procedure in civil and criminal proceedings relating to this type of violence. This includes preventing a self-represented respondent from personally cross-examining an applicant for an order. This mechanism is already common practice in the criminal jurisdiction, which is why it was highlighted as an opportunity for reform in the civil sphere. This measure is supported through the ACT government's safer families budget package by allocating funds to employ an additional registrar in the Law Courts and Tribunals Administration to cross-examine applicants on behalf of self-represented respondents.

Finally, the bill amends evidence law to allow police interviews with an adult victim of sexual assault to be used as evidence in chief in a criminal trial. This measure further recognises the government's commitment to reducing the negative experiences of victims of sexual assault from their involvement in the criminal justice process. Throughout all of these measures the bill is very much a tangible step to strengthen our community's response to domestic and family violence. I commend it to the Assembly.

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 Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (5.01): Pursuant to standing order 182A(b), I seek leave to move an amendment that is minor and technical in nature.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name *[see schedule 1 at page 2170*] and I table a supplementary explanatory statement to the government amendment. These government amendments state that the commencement date of the Family Violence Bill will be extended to 1 May 2017. As with any new scheme, not all implementation issues are apparent before implementation takes place. Extending the commencement date will allow key stakeholders to consider implementation further and ensure that the government is able to address any concerns that may arise before the law becomes operational.

Amendment agreed to.

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

Bill, as amended, agreed to.

Personal Violence Bill 2016

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

> That this bill be agreed to in principle.

MADAM DEPUTY SPEAKER: Just before we vote on this motion, I remind members that we have had a cognate debate on this bill and the Family Violence Bill. So the question now before the chamber is that the Personal Violence Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Building and Construction Legislation Amendment Bill 2016

Debate resumed from 9 June 2016, on motion by **Mr Gentleman**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (5.03): The Canberra Liberals support the Building and Construction Legislation Amendment Bill 2016. This bill has been prepared in response to the government's review of the Building Act and other associated legislation. The bill amends the current statutory warranty system for residential buildings to apply to all private residential buildings, not just those that are three storeys or less.

This amendment also means that basements or car parks that provide structural support to the residential part of the building are also covered by the structural warranty. The current warranties of six years for structural defects and two years for non-structural defects will now apply to all residential buildings. This is a sensible amendment, we believe. It is only fair that all building work should be subject to a warranty rather than arbitrarily setting three storeys as the limit. After all, there is an expectation that building work will be completed to a proper standard and a warranty is recognition that that standard should be enforced. This amendment will provide protection for purchasers of apartments and reinforce to developers and builders that they must complete their work to an appropriate standard.

The bill includes provisions designed to prevent phoenixing. Phoenixing refers to the practice used by some companies where they become insolvent and avoid paying creditors but the same directors re-emerge with a new company under a new name free from the previous liabilities. This practice has been used in the construction industry and it hurts home owners who are often left with incomplete houses and are forced to pay another builder to complete the property.

Phoenixing also damages the construction industry as a whole. Of course, the vast majority of builders and developers do the right thing, be that in terms of building quality or the standards with regard to their integrity and governance. But there are, of course, some that do not. Honest builders and developers are at risk of being tarred with the same brush as unscrupulous companies that make a habit of ripping people off and ruining the industry for everyone.

This bill broadens the current provisions that are not able to adequately address the problems of phoenixing. The new provisions will allow the registrar to consider a

person's history, including other licenses that they have been a director, partner or nominee for rather than only licenses they have personally held. If the registrar believes on reasonable grounds that the refusal to grant a licence is necessary or desirable to protect the public, he may refuse to grant one. The registrar has a discretion to make this decision so that in cases where phoenixing is a possible problem it can be prevented. But people will not be unreasonably refused a licence. It is also worth noting that there are Corporations Act issues here, and there is a requirement for the commonwealth to consider acting in this space.

The bill requires increased reporting of things that would lead to the suspension of a licence. Under the current provisions suspension is usually for three months from the time of the event which would trigger automatic suspension. However, if the event is not notified, it is possible for a licensee to continue to operate while they might otherwise be suspended. This bill provides for automatic suspensions when eligibility to hold a licence has been lost. This could include situations where the licensee does not hold insurance or becomes insolvent. The suspension will continue until three months after the registrar is notified of the suspension. If the registrar is not notified, then the suspension will continue while the grounds for suspension exist.

The bill provides for an extension of an interim suspension in cases where the registrar has made application for disciplinary action to ACAT. The interim suspension will be allowed to continue until the matter has been heard by ACAT. Of course, in these circumstances we hope that ACAT can operate efficiently and hear cases as quickly as possible.

The bill provides for standard conditions in contracts involving residential building work. Many building disputes are the result of confusion over terms in the contract. Though the bill does not actually set out the standard terms, it provides for the introduction of standard terms to provide consistency in residential building contracts.

The bill also increases the penalties that may be imposed by ACAT in relation to occupational discipline orders. The current maximum penalties are $5,000 per breach for a corporation and $1,000 per breach for an individual. Such penalties are perhaps unlikely to act as a deterrent for unscrupulous licensees. The new provisions in the bill allow ACAT to impose a payment in an occupational discipline order of up to $100,000 for a corporation and $20,000 for an individual.

The bill includes a list of minimum standards for certifiers and a list of the functions of the certifier to make it clear exactly what they are responsible for. The bill amends the Planning and Development Act to reflect the fact that the regulation of the building industry is now a function of the Construction Occupations Registrar rather than the Planning and Land Authority. Finally, the bill amends the Building and Construction Industry (Security of Payment) Act to allow for a code of practice to be developed.

In conclusion, the opposition supports these amendments to the building and construction legislation. We are always pleased to support sensible amendments, particularly ones that many in the industry and in this place have been calling for. We are pleased the government has listened to calls from the industry and other

stakeholders to improve statutory warranties, prevent phoenixing, and impose appropriate penalties in cases where a licensee is subject to an occupational discipline order.

The bill does not include all the possible changes that have been suggested by industry but it is certainly a good start. I congratulate the directorate for the work they have done in bringing this bill to this place today.

MR RATTENBURY (Molonglo) (5.10): I will be supporting this bill today. The bill continues the government's work to ensure that the territory's building regulation is relevant for industry and the community. Many of the amendments respond to changes in the building and construction industry or are intended to improve the clarity and operation of the respective laws.

The bill includes important protections for residential unit owners. The number of new units built in the ACT each year is now greater than the number of houses. Increasingly these units are in residential buildings that are more than three storeys high and this trend will continue as we see more medium and high density development in Canberra. Therefore, it is timely that we make changes to the statutory warranties to support owners of these units as well.

This bill broadens the existing provisions to allow the registrar to consider a person's history in relation to other licences they have held and whether they have previously been a director, partner or nominee. For example, a person who is the sole director of a corporate licensee which has a large debt to the territory in relation to an incomplete rectification order can start up another licence and continue operating while failing to comply with the requirements of the first order.

To improve public protections, amendments to provisions for new licence and renewal applications give the Construction Occupations Registrar the ability to take into account a director, partner or nominee's compliance history in their own right or as a director, partner or nominee of another licensee of the applicant.

In particular, the registrar can consider whether the person has contravened or is contravening a court order or an order made by ACAT or relevant tribunal relating to a construction service, occupation or occupation class under this act or a corresponding law in another state or territory, the licensing act or a condition of their licence or a rectification order under this act or a corresponding law.

The registrar will also be able to consider whether any of the relevant people have a debt owing to the territory in relation to a rectification order and does not have or is not complying with a formal arrangement to pay the debt. The association with a related licence is at the level of people who are directly part of the entity, that is, directors and partners and those who hold specific obligations under the act, being directors, partners and nominees. The registrar would still be required to believe on reasonable grounds that a refusal is necessary or desirable to protect the public. This prevents people being refused a licence for problems that they were either not responsible for or were relatively minor. A decision to refuse a licence remains a reviewable decision.

New provisions for contracting will allow regulations to address some of the common things that may cause confusion or disputes over residential building work, such as building terms and standard conditions.

A new section in the Building Act listing the functions of a building certifier helps people to better understand a certifier's role in the regulatory system. Further amendments define the powers of government building inspectors and what a building inspector may do during an inspection. These two changes highlight the different roles of building certifiers and building inspectors in administering and enforcing the Building Act.

Amendments to provisions for staged inspections make the obligations of both certifiers and builders clearer when a prescribed stage is reached and update the technical terminology used to describe a "damp course". A new regulation-making power to make provisions for staged inspections allows a regulation to prescribe what must be inspected and how. This supports government reforms to put in place minimum standards and improve consistency in how buildings are inspected and certified.

Expanding the existing power to make a code of practice for building work to include building certification work and providing for guidelines for building documentation to be made under the act also support these reforms. In addition, new examples and automatic suspension grounds better explain how nominees are appointed, the eligibility requirements for a nominee and for corporations and partnerships when they do not have a nominee.

Further amendments align the requirements for electrical, plumbing and gas fitting certification to demonstrate that a building is fit for occupation with those required under the electricity safety, the gas safety and the water and sewerage acts. This means if a final inspection by a government inspector is required under those acts, the registrar can rely on a past inspection result rather than the licensee's own certificate of compliance or completion. This is standard practice at present because an inspection may reveal that a system does not initially comply with basic safety requirements and must be rectified before it is safe to use.

Revising the provisions related to making codes of practice and declarations of mandatory qualifications and inserting standard inspection and search warrant powers also improves consistency across construction acts.

There will be times when things do not go right. If a rectification order is needed, new examples help people to understand how the 10-year limit for rectification orders is intended to apply, particularly where it is not clear when work was completed. The examples are not intended to be exhaustive but include situations in which the registrar's ability to issue a rectification order is regularly questioned.

The bill also includes powers for the ACAT to consider conditioning, suspending or cancelling related licences if it is appropriate to do so, and increases the amount ACAT can impose on a licensee in relation to an occupational discipline order as a

disincentive. Further amendments address the need for licensees to remain eligible throughout the period for which a licence is held and for the registrar to have information about a licensee's eligibility as early as possible.

Changes to continue suspensions in certain circumstances mean that licensees suspended pending a decision for a serious breach of licensing or construction laws and people who are no longer eligible to hold a licence cannot continue to operate as a licensee.

The amendments to the Building and Construction Industry (Security of Payments) Act will include a power to create a code of practice for authorised nominating authorities. I understand there is a code of practice already in use and that nominating authorities have established processes to comply with the code, so there will be no disruption to their operations when the existing code is formally made under the act.

I am very pleased to support the Building and Construction Legislation Amendment Bill today and trust that it will deliver improvements in the areas covered so that ACT apartment owners, in particular, can have greater confidence as they make their purchases.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (5.17), in reply: I thank members for their input into this bill. As I noted when I introduced the bill, the amendments in the Building and Construction Legislation Amendment Bill are integral to a reform package to increase the effectiveness of the ACT building and construction regulatory system. It is important that the regulatory system remains effective over time and keeps pace with changes in industry and community expectations for the built environment across all types of buildings.

This is why the ACT government committed to a review of the ACT Building Act and associated administrative and regulatory systems. The purpose of the review was to consider whether the system is effective in meeting its objectives to uphold minimum standards for buildings and protections against unfair practices. It found that reforms are needed for the regulatory system to achieve better and consistent outcomes for the public and to remain current and relevant for industry, landowners and building occupants.

I recently consulted on reforms in two areas I see as a priority: significantly reducing and minimising serious building defects in residential buildings; and financial losses to both community and industry members. There was widespread support from the industry and the community for reform.

In response, in June I announced that the ACT government is taking action to strengthen the regulation and integrity of the ACT building industry with a series of reforms to the ACT building regulatory system. These reforms will set the parameters for high quality design, building and training practices across the ACT, giving certainty to both property owners and industry. The reforms will improve documentation at the building approval stage; implement a more relevant and

comprehensive building inspection and audit process; improve licensing requirements for builders and building surveyors; provide better information for consumers and practitioners; and establish stronger, more comprehensive standards of practice and contracting.

This bill is one of the first steps in implementing the reforms. To borrow a building phrase, which I think is appropriate in this case, the bill includes amendments that will lay the foundation for a stronger and more responsive system. Amendments range from major reforms to smaller technical and minor amendments which are all part of maintaining building and construction legislation and keeping relevant over time.

One of the most significant changes in the bill is to expand statutory warranties to all buildings used primarily for private residential use. Since statutory warranties were first included in building laws, they have only applied to residential buildings of three storeys or fewer, excluding any storey for car parking. This was based on an assumption that the conditions, building and risk management practices in the medium-high residential sector were significantly different from and more advanced than those in the low rise sectors. It was also expected that a form of warranty was implied for all buildings, even when not expressly stated in law.

All indications are that even if these assumptions were relevant once, they are no longer relevant today. In addition, a recent High Court of Australia decision has not supported the assumption that there is an implied warranty. Therefore, the primary policy and legal issue is whether the Assembly intends all owners in buildings used primarily for residential use to have the same warranty protections under the law regardless of the height of the building. This bill gives the Assembly the opportunity to show that they do.

The warranty is six years for the structural elements of the building and two years for the non-structural elements. Given that the expected life of a building is decades, this is not an unreasonable expectation of builders.

It is important to note that the provisions in the bill do not, and are not intended to, affect the residential building insurance scheme. Under the reform program, the government will undertake further consultation on other protections in the building regulatory system, including insurance.

Many of the amendments relate to improving protections for people who use or provide construction services from unfair or disreputable practices. While there are some people who close one business and start another having met all of their liabilities, there are others who deliberately shut down a business to avoid them, only to set up another and keep operating. This is known as "phoenixing".

As people may know, stamping out phoenixing in the building industry is a particular interest of mine, but it is not the only issue we need to address. People may also establish multiple entities and multiple licences from the start and move operations from licence to licence if one licence has a rectification order or a serious disciplinary action against it. In addition, if the licensee loses their eligibility, they may continue to operate for months without being entitled to.

Amendments in the bill allow the Construction Occupations Registrar to consider the compliance history not only of those people who have held a licence in their own right but of the directors and partners associated with an applicant of other licence holders. If it is necessary or desirable to protect the public, the registrar may refuse to issue or renew a licence.

Similarly, when the ACAT is considering an application for an occupational discipline order, it can consider whether there are other related licences that should also be subject to a disciplinary condition, suspension or cancellation. This means that if licensees, directors or partners are associated with more than one licence and their actions under one licence are relevant to the operations or likely compliance of another licence, the ACAT can take the appropriate action.

It is also important that licensees maintain their eligibility to hold a licence during the whole time that they are licensed. The bill will amend the Building Act 2004 to ensure that disciplinary action can be taken when a person loses their eligibility.

Licensees will also need to report changes to their circumstances sooner, and changes to automatic and intermediate suspensions will help to prevent people operating under a licence when they are not eligible or an application for a serious disciplinary action has been made but not yet decided. These amendments will help the licensing system work as intended so that only those people who take their obligations as a licensee seriously and have the skills and capacity to fulfil them can hold or use a licence.

Nothing in this bill takes away any existing review or appeal rights for decisions about licence applications or disciplinary actions. The bill preserves the common law protections for client legal privilege and against self-incrimination.

This bill also establishes the framework for further reforms in the government's building regulatory reform program. In particular, the bill will add new powers to provide for standard conditions, prohibited conditions and information that must be provided with the contract for certain contracts involving residential building work; it will expand the existing power to make a code of practice for building work to include building certification; and it will include 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.

In relation to codes and guidelines, these will help to establish minimum practice standards for people preparing building approval documentation, as well as for licensed builders and building certifiers. These reforms received a very high level of support from the community and interested participants during consultation.

Regulating aspects of contracts is new ground for the Building Act. At present, it has only two provisions that regulate contracts for contracting, one to give a statutory warranty in certain contracts and the other to prevent contracting out of obligations under the act.

There will be further consultation on any new regulation, which may include creating standard definitions of some common terms and requiring information on a party's rights, obligations and statutory protections to accompany a contract for residential building work.

The amendments in this bill will help to implement reforms benefiting building owners and industry members with good practices. The amendments are complemented by administrative changes and increased education and information for all parties in the building process, from residential owners to large developers and from designers to those involved in construction and certification.

During my time as minister for planning, I have been encouraged by the support that I have received from many community and industry members to make lasting improvements to the building regulatory system. I thank them and the members here for their support of the bill and commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (5.27): Pursuant to standing order 182A(b) I seek leave to move together amendments to this bill that are minor and technical in nature.

Leave granted.

MR GENTLEMAN: I move amendments Nos 1 to 3 circulated in my name together *[see schedule 2 at page 2170]* and table a supplementary explanatory statement to the government amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

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

Debate resumed from 9 June 2016, on motion by **Mr Gentleman**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (5.28): I advise the Assembly that the Canberra Liberals will be supporting this bill.

The aim of the bill is to amend various laws relating to gambling and racing in Canberra with the object of reducing the amount of red tape in the gaming and racing industries in the ACT.

Firstly, let me say that whatever we can do to reduce the red tape burden on businesses and ACT residents is something that we welcome. One of the consistent complaints that we get on this side of the chamber is about the onerous weight and cost of government red tape on various activities. We know that the clubs in particular have been suffering in this regard.

With regard to the consultation on this bill, I am advised that the government has responded to a variety of concerns presented by the clubs sector but that in terms of the bookmakers the government has not done the sort of consultation that we would expect. Although ClubsACT as an industry, I believe, have had consultation, bookmakers who are affected by this legislation have not had significant, if any, consultation.

The bill impacts on a number of acts. They include the Gambling and Racing Control Act 1999, the Gaming Machine Act 2004, the Race and Sports Bookmaking Act 2001 and the Racing Act 1999.

The bill provides for a range of small but seemingly good reforms, providing for removing the regulatory requirement for licensees to display licences and authorisation certificates; modifying the percentage payout signage requirements for gaming machines to having an approved statement being displayed; providing interstate visitor access to clubs without the need to be accompanied by club members; clarifying arrangements to enable licensees to more easily quarantine authorisations of gaming machines from use; and implementing a simplified framework for race bookmaking licences and race bookmaker's agent licences. It also provides some minor and technical amendments to acts and associated regulations to aid in interpretation, provide clarity, address modifications made to the Gaming Act through the Gaming Machine Regulation 2004, and amend and update certain boards, associations and interstate legislation.

The scrutiny of bills committee notes that the explanatory statement acknowledges that the right to privacy is engaged and limited by a number of provisions which require the submission of an application which may include personal information. This seems reasonable, however. It further notes that it will affect the following persons under the Racing and Sports Bookmaking Act 2001: an applicant for a race bookmaking licence, a nominated person for a race bookmaker's agent licence, a race bookmaking licensee, and a race bookmaker's agent licensee.

The clauses may be viewed as engaging the right to privacy and reputation as they will require that a person indicated above will need to disclose personal details as part of the application process. There is also a requirement to consent to a police criminal check. The explanatory statement offers a justification for that limitation as set out in the framework stated in the Human Rights Act, section 28.

Noting the points raised by the scrutiny of bills committee and noting my earlier comments that the bookmakers do not consider that there was sufficient, if any, consultation with them, the Canberra Liberals will be supporting this bill.

MR RATTENBURY (Molonglo) (5.33): This amendment bill represents another tranche of the government's red tape reduction agenda for the gaming and racing industry. Changes introduced by the bill include a simplified licensing framework for race bookmakers and their agents, with reductions in both administrative and regulatory burdens.

The bill introduces the ability to extend a race bookmaking licence for up to three years through a simplified renewal process rather than through a whole new licence process. I understand risk has been appropriately managed in the revised licensing process by limiting this to race bookmaking and not extending it to sports bookmaking, which is considered a more high-risk activity. Removing the requirement to display licenses and authorisation certificates at the main entrance of each gaming area eliminates duplication in regulation as the commission retains this information in its official registers.

The amendments to require signage on gaming machines is something that drew my attention within the bill. My office has worked with Minister Gentleman's office to help deliver a useful harm minimisation message while getting rid of the need for unique stickers for each gaming machine. I am advised that the previous stickers based on percentage of return were often misunderstood by punters and led to a number of complaints. By introducing clear messages on machines we are better adhering to harm minimisation principles and removing potentially misleading communication from the community. The proposed new messages are evidence based, short, succinct and high impact and will help to reduce the risks of problem gambling in our community.

Making it easier for interstate visitors to visit and enjoy our local clubs as temporary members, as recommended by the recent public accounts committee report, will see the ACT become more competitive given our proximity to New South Wales. The easier access for interstate guests, while implementing appropriate protections for the maximum number of gaming machine authorisations in clubs, makes this a sensible amendment.

Other minor and technical amendments support the overall objective of reducing red tape and regulation, while maintaining a robust harm minimisation framework. Taken together, these various amendments have streamlined processes and helped elements within the gaming and racing portfolios to become more modern and risk based, while maintaining the integrity of the industry and protecting consumers. I am happy to support the bill today.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (5.35), in reply: I thank members for their input into this legislative change and commend the bill to the Assembly. The amendment bill presents a number of reforms in the racing and gaming portfolio as part of the government's commitment to red tape reduction, as we have heard.

This amendment bill amends six acts and regulations that form part of the gaming and racing legislation suite, including the Gaming Machine Act 2004 and the Race and Sports Bookmaking Act 2001. The amendments also address recommendation 13 of the public accounts committee inquiry into elements impacting on the future of the ACT clubs sector. This amendment bill strikes the right balance between maintaining the integrity of the gaming industry through reasonable regulation while ensuring consumer protection and important harm minimisation measures continue to be upheld.

Through the provisions in this amendment bill, the ACT Gambling and Racing Commission will continue to exercise its vital regulatory oversight functions which promote the public interest, but with reduced red tape and increased efficiencies. While ensuring appropriate flexibility and the reduction of red tape for industry and the commission, the regulatory framework remains robust enough to reduce the risks and costs of problem gambling to individuals and the broader community.

These amendments to gaming and racing legislation do not reduce harm minimisation standards and protections or necessary regulation, but will modernise and streamline that regulation where possible. To that end, this amendment bill presents amendments that improve the gaming and racing regulatory framework and a number of initiatives in line with the government's key commitment to reduce red tape.

Firstly, licensees will no longer be required to display licences and authorisation certificates at the main entrance to each gaming area at a club. This reduces a significant administrative burden, but the clubs must ensure the licences and authorisations are on hand to show any person upon request. This ensures transparency is continued. The mandatory display of these certificates adds nothing to harm minimisation or compliance in any practical way.

Further, interstate visitors to the ACT and its community clubs will now be able to enter a club premises without the sign-in of a club member, as recommended by the public accounts committee report. Interstate visitors will be considered temporary club members. The previous requirement to have a club member sign in our interstate guests was out of step with other jurisdictions and its removal will support our clubs in being more competitive and inviting, of course, to visitors.

As I indicated to the Assembly in June during introduction of this amendment bill, I have worked with my colleague Minister Rattenbury and experts in the Economic Development Directorate to develop suitable wording for new harm minimisation stickers on every gaming machine in the territory. Recent research in this area guided Minister Rattenbury and me in determining the best content for these harm minimisation messages. Importantly, the key measures for any messaging are the level of recall of the message and the level of impact of the message.

As evidenced by recent trials, messages that meet both these requirements are: "Have you spent more than you can afford?" and "Set your limit and play within it". As the relevant minister, I will approve these messages under a notifiable instrument. One of these messages will need to be displayed on each gaming machine in the ACT from

1 November this year, with a mix of the two messages required at each venue. While implementing these less ambiguous, evidence-based harm minimisation messages on gaming machines, the added benefit to licensees is a reduction in costs. Licensees will no longer have to repeatedly print a variety of machine-specific signage that requires frequent replacement.

The amendment bill also includes further minor and technical amendments to gaming machine legislation which will assist with administration and interpretation, such as allowing licensees to more easily quarantine gaming machine authorisations from use. Other amendments include retaining the commission's ability to attend the destruction of gaming machines if it so wishes, clarifying a corporation's right to apportion common expenditure across multiple clubs for community contributions, and identifying when an installation certificate must be supplied to the commission.

With regard to racing, this amendment bill makes important reforms to simplify the framework for issuing and renewing race bookmaking licences and race bookmaker's agents licences. These amendments revise existing provisions around licence applications and narrow the information required, while removing subjective tests and replacing these with provisions that are more administratively transparent and understandable.

Changes to the Race and Sports Bookmaking Act 2001 were developed in light of associated risks, with amendments allowing the commission to assess licence applications based on risk to the community, without compromising the integrity of the racing industry and while maintaining, of course, procedural fairness.

Through this amendment bill, the commission will have streamlined processes in renewing licences and considering the suitability requirements for renewal, as occurs elsewhere. The new licensing application and renewal framework will significantly reduce red tape for applicants, licensees and administrators.

Finally, further minor technical amendments occur to a number of acts and regulations to reflect the renaming of national and interstate racing boards and corresponding legislation.

The Standing Committee on Justice and Community Safety in its legislative scrutiny role reflected on this amendment bill and I thank its members for their consideration and support of the bill.

Measures that underpin effective harm minimisation and consumer protection, while supporting the integrity and standards of the industry, ensure that gaming and racing and our community clubs operate successfully in the ACT.

This government is committed to maintaining the integrity of the gaming and racing industries. The ongoing program of regulatory reform and red tape reduction within the portfolio has shown this to be true. This amendment bill streamlines processes and removes unnecessary regulatory arrangements, thus reducing red tape and providing efficiencies for industry and government. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Operation Christmas Child

MR COE (Ginninderra) (5.42): I rise this evening to speak about Operation Christmas Child, a project coordinated by Samaritan's Purse. Samaritan's Purse is a non-profit Christian organisation providing emergency relief and development assistance to people in need around the world. Operation Christmas Child brings practical help to children living in poverty. It involves a donation of a shoebox filled with simple gifts for a child who might otherwise not receive a present.

Since 1993, more than 130 million children in over 150 nations have received Operation Christmas Child shoebox gifts donated through individuals, families, schools, businesses and other groups. Donors are asked to fill a shoebox with gifts from each of six categories: something to wear, such as a T-shirt, shorts or a hat; something to play with, such as a ball; something for school, such as pens, pencils or paper; something to love, such as a stuffed toy or doll; something special, like a carry bag or sunglasses; and something for personal hygiene, such as soap and a face washer.

I had the privilege of launching the 2016 ACT appeal for Operation Christmas Child on 16 July. When launching the appeal I mentioned that these days with so many charities competing for our attention, our time and our money, it is easy to get confused and to lose track of all the good work being done in our community.

I think Operation Christmas Child has really cut through because of the personal and unique way that you actually can give something very tangible to somebody so far away. The project is made possible by many volunteers that assist with the distribution of boxes, collection, processing, logistics, promotion and many other components of this very complex logistical exercise.

I would like to extend my sincere thanks to all the organisations and individuals that give so generously and to those who help ensure that Operation Christmas Child continues to be a success. I would like to put on the record my appreciation for the work done by Deepa Obed, the regional manager for the ACT and south New South Wales region for Operation Christmas Child.

In closing, I urge all people, all members of the Assembly, to consider getting involved in this very worthy cause. More information can be found at www.samaritanspurse.org.au.

Lifeline Book Fair

MS LAWDER (Brindabella) (5.45): I rise today to talk about the southside Lifeline Book Fair that I recently had the pleasure of opening. It took place at the Erindale Vikings Club. I would like to acknowledge the support of the Vikings Club in providing a venue for the book fair this year. Lifeline run these book fairs a couple of times a year. There is the big one of the year that is held at EPIC later in the year and a southside one, which was held recently.

Late last year they also held one, a mini book fair, at Calwell shopping centre, which was also a great success. The southside Lifeline Book Fair that took place between Friday, 24 June and Sunday, 26 June helps to support the great work of Lifeline Canberra. They hold a number of fundraisers throughout the year, but the book fairs are, I guess, the most popular and raise a lot of money to support their important work.

The southside Lifeline Book Fair in June saw over 4,000 people go through the doors over three days. It raised more than $10,000 more than last year. They sold 90 per cent of the books that they had there on site, and they also collected 250 items for the Communities@Work community pantry. What they did was encourage people either to make a gold coin donation or bring some long-life food or pantry item and donate it to Communities@Work. So it was a win-win in a number of aspects for our community.

The fundraising that took place through the gold coin donation at the door plus the sale of the books helps to keep their suicide prevention telephone crisis support service available to our community. The work that Lifeline does goes well and truly beyond politics. It is so important when someone is struggling and they are going through a difficult time in their life that there is someone there to listen to them.

Often Lifeline volunteers struggle through the critical hours between midnight and 6 am. While many of us are home asleep in our beds, especially on these cold winter nights, many people are reaching out looking for help and Lifeline volunteers are there. They are not in their beds in those dark hours; they are there helping other people in our community.

Of course, this is often a time when people feel the loneliest and most detached from their community. Having a friendly ear at the other end of the telephone is something that is so valuable and has helped many people in Canberra. Our colleagues here, I am sure, are all very much aware of the wonderful work that Lifeline is doing in their own electorates.

I would like to commend and acknowledge the hundreds of people involved in the Lifeline book fairs throughout Canberra but also those volunteers who staff the telephones and dedicate their time, day in and day out, to those who are going through a really difficult time in their lives.

Regardless of how big or small the problem might seem to someone else, it is so important to that individual. I hope we can continue to unite in supporting Lifeline, including through their fantastic book fairs, to help them to do good work to assist, care for and protect the people in the ACT.

I would specifically like to acknowledge Carrie Leeson, the Lifeline chief executive officer and Sarah Kentwell, the communications coordinator. There were over 100 Lifeline volunteers there on the day. Their sponsors included the Good Guys, Icon Water, Power Saving Centre Canberra, Storage King, ANU and many people throughout the Canberra community, sponsors, customers and donors.

I would like to commend Lifeline Canberra for its outstanding service to our community each and every day and encourage you all to attend the next book fair, wherever it might be.

Canberra Institute of Technology—Tuggeranong campus

MS BURCH (Brindabella) (5.49): I want to briefly acknowledge that last week in Tuggeranong was a grand day: the opening of CIT on 205 Anketell Street, and I was really pleased to be there. Many in this place will understand that I see it as a long time coming. Whilst there has always been a CIT presence in Tuggeranong, it did not have the depth and the complete range of offerings that I always thought should be provided there. What I saw last Thursday is a fabulous renovation of an office block on Anketell Street in the heart of Tuggeranong that will offer a great range of courses. I want to put on record my thanks and congratulations to the chief executive, Leanne Cover, and also to Craig Sloan, the chair of the CIT board, for their commitment and enthusiasm—I hope I gave them a just little bit of that—to see that project come to completion.

Since its doors opened on Anketell close on 100 local community members have walked in looking to enrol and be part of the offerings. A snapshot of what is now on offer: courses in business, early childhood education, education support, and programming; information on cultural services; a whole range of introductory and foundation courses in English and computers that will set people on the path for further training and job opportunities; a Bachelor of Forensic Science (Crime Scene Investigation); the capacity for mock courtrooms for those who have an interest in forensics and law; and digital media, just to name a few.

This is indeed a hallmark delivery of vocational, education and training. As I have already indicated to others, I understand there is an empty floor in 205, so we may even push to increase the presence of CIT. So if anyone here thinks my nagging on CIT in Tuggeranong has come to end, perhaps it is just entering the next phase. I wish CIT well and hope the community of Tuggeranong embraces every opportunity that facility will offer.

Amaroo Scout Group and Fearless Comedy Gala

MR HINDER (Ginninderra) (5.52): Before starting, I acknowledge the Amaroo scout group who are here tonight to witness the Assembly. I welcome them here on behalf of all members.

I rise to recognise the efforts of Ms Juliet Moody. Juliet is one half of the Canberra comedy duo Sparrow-Folk, whose YouTube video *Ruin your Day*—I think it had

another part to that—went viral on YouTube with 250,000 hits. I suggest you all look it up; it is a very funny thing. Juliet is the founder of the Fearless Comedy Gala, which will be held here in the Canberra Theatre on 18 August. The purpose of the Fearless Comedy Gala is to raise money for the Domestic Violence Crisis Service. We are all aware that this year's budget provided a $21 million package, which has been supported by all members, to address domestic violence. But initiatives like the Fearless Comedy Gala are just as important as the government response.

I thank the sponsors that have assisted with this gala, being WIN TV, the Bendigo Community Bank and Capital Chemist. As always, without the assistance of the business community these things would not happen here in Canberra.

This is an effort to provide funding for a very important service in Canberra. It will be a comedy evening about a subject that is not very funny, but it will be opportunity for Canberrans to support efforts to change the way that domestic violence is viewed across the territory and to raise some money for that organisation. I commend Juliet's efforts to the Assembly.

Question resolved in the affirmative.

The Assembly adjourned at 5.55pm.

Schedules of amendments

Schedule 1

Family Violence Bill 2016

Amendment moved by the Attorney-General

1
Clause 2
Page 3, line 4—

omit clause 2, substitute

2 Commencement

This Act commences on 1 May 2017.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Schedule 2

Building and Construction Legislation Amendment Bill 2016

Amendments moved by the Minister for Planning and Land Management

1
Clause 2
Page 2, line 8—

substitute

- sections 17 to 22A

2
Clause 2
Page 2, line 10—

insert

- section 36
- section 43

3
Proposed new clause 22A
Page 13, line 10—

insert

22A Statutory warranties
Section 88 (2)

omit everything before paragraph (b), substitute

(2) The builder warrants the following in relation to residential building work:

(a) that the work has been or will be carried out in accordance with this Act;
