Debates

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Legislative Assembly for the ACT

EIGHTH ASSEMBLY

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Thursday, 4 August 2016

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MADAM SPEAKER (Mrs Dunne) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Schools for all
Ministerial statement

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (10.02): Today I am pleased to share with members the progress being made on implementing the recommendations of the Expert Panel on Students with Complex Needs and Challenging Behaviour. The report was handed down on 23 November 2015 and the schools for all program is now six months into implementation. Today I will outline the significant progress that has been made to date.

I have recently received the second quarterly reports reviewed by the independent Program Oversight Group. The reports cover the period from March to May 2016. Chair of the oversight group, Ms Carol Lilley, has advised me that the oversight group consider that the program is progressing well.

Since the publication of the first quarterly reports, there has been considerable work done on assessing priorities, dependencies and deliverables under each of the projects. As you would appreciate, this is a large body of work and as activities are progressed the dependencies and factors impacting on delivery schedules become more evident.

Ms Lilley also particularly acknowledged the ongoing commitment to collaboration that is evident across the three sectors: public, Catholic and independent schools. Several of the recommendations are being progressed by cross-sectoral working groups, sharing knowledge to ensure that all students benefit from the collective planning and implementation. From a whole-of-territory viewpoint, this is a great outcome.

A good example of cross-sectoral collaboration is the establishment of a project group, led by the Teacher Quality Institute, with representation from the Education Directorate, Catholic Education, the Association of Independent Schools, University of Canberra and Australian Catholic University. This group is progressing recommendation 13.1 to review and improve the theoretical and practical relevance of initial teacher education units with respect to teaching students with complex needs and challenging behaviours. This work is expected to be completed during 2017-18 allowing time for broad consultation and the delivery of key actions required to meet this recommendation.

I have requested that the Teacher Quality Institute ensure that initial teacher education graduates from ACT universities are trained in strategies to engage and address the needs of students with complex needs and challenging behaviours. This will be achieved by integrating the principles of inclusive education throughout the teacher education program or through specialised units within the program.

In addition to the cross-sectoral collaboration, there are a number of highlights in the second quarterly reports that I would like to draw to the attention of members of the Assembly. As I have stated on other occasions, it is important to recognise that this program is not simply about actioning 50 recommendations. More importantly, it is about implementing a three-year program of cultural change. However, it is pleasing to see that the schools for all oversight group has endorsed the closure of nine recommendations since the program commenced this year.

To achieve the cultural change that we are talking about, each sector remains committed to long-term continual improvement against all elements of the program, including having clear future actions against recommendations that have closed. The next steps acknowledge the changing environment in education nationally and ensure that each recommendation is not an end point but establishes and embeds ongoing improvements. The quarterly reports from each sector demonstrate a strong focus on student wellbeing and building positive school cultures. All of this goes to the core of the expert panel's intent of creating and providing safe, supportive schools for all students.

Madam Speaker, supporting the wellbeing of students—wellbeing for learning—is a key focus in our schools. The expert panel noted that "each child starts school and comes to school each day with varying capacities to participate, behave and learn. A student-centred approach takes into account the specific needs of each student in their family, peer and community contexts".

Wellbeing for learning is an approach that encompasses having the right learning environments, evidence-based programs and well equipped staff to support inclusion and learning for all students. The quarterly reports show progress in each of these areas.

This progress is expressed in responses to a number of recommendations. Across all Canberra schools, the ACT has the highest take up rate of the KidsMatter and MindMatters programs nationally. These mental health programs are equipping teachers to invest in the social and emotional development and wellbeing of their students. Through the Principals Australia Institute, teachers and school leaders are being provided with professional development and support to implement these frameworks through whole school and community approaches.

In response to recommendation 9.1, 15 public schools have started implementing the positive behaviour for learning framework. Positive behaviour for learning, or PBL, is a whole-of-school approach to behaviour support that has a very strong evidence base in reducing problem behaviours and increasing academic outcomes.

The impact of PBL on student learning and wellbeing includes increased student engagement in learning, improved learning outcomes and decreased levels of problem behaviours. This has a positive effect on attendance rates, decreases suspensions and overall contributes to improved school climate.

The structured nature of PBL requires that all members of the school community are involved. This in turn ensures that parents, carers and other community members will be aware that there is a significant action on behaviour support occurring in our schools. All sectors are working towards implementing positive behaviour for learning principles in schools. I look forward to sharing the outcomes of PBL with members of the Assembly as an increasing number of schools implement the approach.

Catholic Education's case management framework has been further established in this reporting period. The case management framework is supporting teachers to identify and respond to the needs of all students including those with complex needs and challenging behaviour.

Demonstrating their commitment to building on existing reforms, improvements and initiatives across their 18 schools, where practical, the Association of Independent Schools of the ACT is establishing a sub-committee under the AIS board to focus solely on the schools for all. As the Minister for Education, I am pleased that there is such a shared and demonstrable commitment across the ACT to the recommendations and cultural reforms arising from the work of the expert panel.

Madam Speaker, the ACT government committed to providing additional allied health supports to public schools when the schools for all report was released. This commitment was increased in the 2016-17 budget, with $7 million being committed to increase additional allied health professionals, including senior psychologists and social workers. These additional staff will strengthen the capacity of the directorate's network student engagement teams to provide a range of supports and guidance to school leaders, staff and students.

Additional funding is supporting teachers to participate in targeted professional learning in working with students with complex needs and challenging behaviours. A key focus of the schools for all report was the need to acknowledge the voice of students in influencing and directing their learning. To this end, I hosted a student congress on 28 July. The "Ask Us!" Student Voice in the ACT Forum was facilitated by the Youth Coalition to glean feedback from students across all school sectors in the ACT, with students and teachers from across all Catholic, independent and government primary and secondary schools.

This forum is contributing to the development of tools to assist all schools to meaningfully and regularly consult with all students about their experiences in schools and decisions that affect them. This is about really listening to the most important stakeholders, young people themselves, and hearing from them on how to have truly inclusive schools.

In this reporting period I have also held a stakeholder forum to hear directly from disability advocacy groups, Indigenous advisory groups, the Education Union and other stakeholders about their perceptions of progress to date on the schools for all implementation. Overall, the feedback on the early stages of implementation was positive and a number of constructive suggestions were provided. We will continue to

seek feedback from stakeholders and to ensure their ongoing engagement in the implementation of the program of work. To this end, a further round table will be convened next week.

I am confident, as is the independent oversight group, that the schools for all program is progressing well, with implementation being proactively managed through program governance and management activities. Emeritus Professor Tony Shaddock has been engaged by the directorate to provide strategic advice and guidance to ensure that implementation is consistent with the intent of the report. This appointment saw Professor Shaddock move from the oversight committee to a position where his advice can be integrated at the beginning of discussions around specific projects. Professor Shaddock also provides guidance as a critical friend to Catholic Education.

In June, I appointed Mr Ian Claridge to the oversight group for the schools for all program. Mr Claridge brings to this role over 37 years of experience in education as a teacher, a Victorian education department senior executive and a consultant to state and territory governments on education issues, including review of disability programs. Mr Claridge was also engaged by the expert panel in 2015 to provide advice and feedback on the schools for all report.

While the second quarterly reports show we have made significant progress over the last quarter to implement the 50 recommendations in the schools for all report, we remain focused on effecting sustainable systemic cultural change. To do this effectively will take time. Public, Catholic and independent schools sectors have committed to a three-year program of change and I look forward to seeing the impacts of this in each and every school across the ACT.

As the expert panel noted, in our increasingly complex world our education system and our schools need to continue to adapt to support participation, engagement, behaviour and learning in our increasingly diverse school communities. The second schools for all quarterly reports provide an excellent platform for this ongoing change and I am pleased and encouraged about the progress that has been made.

Consistent with my commitment to transparency and accountability for progress of significant reforms, I will shortly be making these reports public and look forward to ongoing engagement with stakeholders and the community, who are always looking to hold us to account on this very important piece of work. I present the following paper:

> Schools for All—Implementation of the recommendations of the Expert Panel on Students with Complex Needs and Challenging Behaviour: 2nd Quarterly Report—Ministerial statement, 4 August 2016.

I move:

> That the Assembly take note of the paper.

MR DOSZPOT (Molonglo) (10.13): I thank the minister for tabling this statement and I am pleased to see, despite there being little progress in the first report, that since then a considerable amount has been done. I do not intend to talk to each of the

actions as outlined but I do want to highlight a couple of points. As members would know, I was concerned when the report and recommendations were first published that there was much expectation on all sectors and all schools within those sectors to respond. As we know, not all sectors are in the same position financially, resource and personnel-wise to be able to contribute to the level they would wish.

The Canberra Liberals have recognised that and if we win government in October we have committed funds to assist the non-government schools sector to meet some of the challenges posed in the report and its findings. I note that there has been a significant amount of cross-sectoral collaboration and that can only be good for ACT education as a whole and for all its students.

I note particularly the work being done by the Teacher Quality Institute, working with the AIS, the University of Canberra, the Catholic University and the Catholic Education Office, to review and improve the theoretical and practical relevance of initial teacher education units in relation to teaching students with challenging needs and complex behaviours.

I think that is an important step forward and in years to come will pay significant dividends in improved teacher and student relationship outcomes. I am keen to see real progress being made in the review of the SCAN assessment and I note that there is no mention of that yet, despite its being one of the more urgent recommendations. I remain hopeful that it will happen sooner rather than later.

That aside, there is much to commend in this second quarterly report and I commend the members of the implementation group. I think the ACT, through the work being done in this area, will in years to come be seen as a leader in educating students with these complex needs and challenging behaviours and in training teachers to manage them positively and effectively.

Question resolved in the affirmative.

Vocational education and training in schools
Ministerial statement

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (10.16): I am pleased to present to the Assembly the progress report on the review of vocational education and training in ACT public schools and longitudinal study of school leavers. Members of this Assembly may recall in September last year the launch of an ambitious agenda the Education Directorate was embarking on to reinvent its approach to vocational education and training in ACT public secondary schools. This followed work throughout 2014 on the part of the Council of Australian Government's education council to redevelop the national framework for vocational education and training for secondary students, preparing secondary students for work.

Drawing on the impetus of this national work, in 2015 the Education Directorate commissioned the Centre for International Research on Education Systems from Victoria University to conduct a review of VET in ACT public schools. It was the

final report of this review and the Education Directorate's response tabled in the Assembly in September last year that gave voice to a number of the challenges facing the ACT and to the future directions the Education Directorate put forward as its roadmap to taking those challenges on.

In all, this covered seven directions for reform in a comprehensive and holistic approach to change in areas including systems, processes, infrastructure, policy, funding mechanisms, provision planning, communication framework, capability building and strategic partnerships. These directions were articulated under the four fundamental components of VET delivery set out in the national framework: clarity of purpose, collaboration between VET stakeholders, confidence in the quality of VET delivered to secondary students and the effective operation of core underpinning systems.

In February and again in June this year members of this Assembly also heard of the outcome of the Standing Committee on Education, Training and Youth Affairs Inquiry into vocational education and youth training in the ACT. This was an inquiry that, in many of its findings, reflected these same challenges that had come through strongly in the Education Directorate's review. These were most strongly voiced in the submissions received by the committee and in the hearings it conducted with stakeholders, many of whom have been and continue to be active participants in the progress of the work described in the report I table here today.

Those challenges included the increasing rigour and burden of national compliance requirements for RTOs; the challenges of maintaining the industry skills of our teachers and trainers; the continued need for effective resource management within schools, both the human resources and physical training assets; the development of strategies to maintain genuine connections and involvement with industry; the imperative to achieving sustainable change and introducing innovation in our models of VET delivery; and the push to reduce unnecessary red tape and duplication of administrative processes across our schools.

These challenges are foremost in the minds of many in our education and training system—educators, school principals, policymakers, parents and students. This progress report speaks to a significant piece of work that commenced during the standing committee inquiry. It is work that responds to many of the sentiments of submissions the standing committee heard during the term of its inquiry. I am pleased to say in many cases it does this not in isolation from these stakeholders but jointly, as active participants in its implementation.

The work that was in its commencement just last year has come a long way now to addressing the concerns of stakeholders and building on the successes of a system eager to adapt to a future state and deliver on student outcomes. The report I table today marks a significant milestone in the progress of the Education Directorate's review of VET for secondary students in ACT public schools.

I will now speak about the progress the government has made across the seven directions of reform. On collaboration, the Education Directorate set out to improve clarity and confidence for key stakeholders through clear articulation of the goals,

visions and purpose of VET for ACT secondary students. The directorate is introducing reform to strengthen the positioning of VET as a recognised learning opportunity for ACT secondary school students. This begins with the articulation of our vision of what we want our future system to look like.

I am pleased to report that in July this work was finalised with the publication of the ACT's collaborative future vision and purpose for VET for secondary school students in the territory. This final statement encapsulates the ideas and aspirations of several groups in the sector and articulates a shared goal to underpin the ACT's approach to continuous improvement in VET. I also wish to thank the ACT's independent and Catholic school sectors for making this vision a cross-sectoral achievement for the benefit of all students across the territory.

The Education Directorate also said they would build the confidence of employers, students and parents through genuine collaboration. In moving to new models of training delivery we are drawing upon the relationships and valuable partnerships ACT public secondary schools have already cultivated with industry and training providers to date. Further, the Education Directorate are guiding planning activity to ensure the scope of vocational offerings for students is mapped to ACT skills needs areas. This is best for local industry and best for our young people.

The government stated our intent to reduce duplication and trial new ways of doing things through the amalgamation of RTO operations in schools. This year the directorate have moved away from individual colleges operating alone as RTOs to an amalgamated approach where RTO operations are brought together under the existing school network structures. I am pleased to report that in April 2016 that Erindale and Lake Tuggeranong colleges successfully transitioned to a single RTO arrangement in the Tuggeranong school network. The single network RTO now effectively operates as one training organisation delivering a broad range of VET opportunities to students across a consortium of school sites in the Tuggeranong school network. I look forward to seeing the opportunities to come from our other school networks later this year.

The government has affirmed our commitment to the quality imperative that ACT students access training from reputable providers that model the highest levels of quality assurance. The transition to network-based VET provision across ACT public schools in 2016 has been underpinned by a comprehensive approach to quality assurance that ensures training delivery is founded on thorough planning, sound advice and tailored support in all areas of national compliance. The Education Directorate is engaging with the national regulator, ASQA, to support the move to new models of VET provision and are building capability in schools to quality assure through access to specialist expertise and resources.

The directorate put forward a clear plan to collaborate with CIT on practical issues, share expertise, and make the best use of public training infrastructure. In 2016 we are transitioning to more collaborative models of training provision and exploring options for enabling greater student access to VET in partnership with CIT and other external RTOs. In Tuggeranong these new models are already taking shape in ways that are better utilising our modern, industry-grade facilities for the greatest access for

students and the best value for the community. As one example, between the Tuggeranong sustainable living trade training centre and the new CIT Tuggeranong opening just last week, students in the Tuggeranong network will now have access to a broader and deeper range of courses in their chosen vocation. I hope to see more co-delivery models like this emerging in the future.

The government said we would continue to work with the ACT Board of Senior Secondary Studies to ensure our core systems are equipped to manage and perform the RTO functions essential to certification, reporting and records management. In April 2016 the BSSS successfully implemented a significant upgrade to the ACT certification system to enable the transition from school-based RTOs to school network RTO arrangements. This was underpinned by collaboration between staff in the office of the BSSS and staff in ACT public secondary schools that ensured compliant data management and certification processes were maintained throughout the development and implementation of system changes. This was no mean feat and it will provide all the enabling systems capability required for the implementation of amalgamated VET provision later this year.

Finally, the Education Directorate stated the plan to review funding distribution arrangements and explore ways we can improve resourcing to meet community expectations for quality training and encourage industry confidence. In 2016 the government is supporting schools to make an authentic shift to innovative models of VET delivery, including the transition to amalgamated RTO operations and exploring partnerships with external training providers such as CIT.

Shortly, in consultation with public college principals, the directorate will commence reviewing existing funding distribution arrangements for VET. This will be focused on achieving sustainable resourcing for schools to support growth and innovation in the future model of VET for secondary students.

Madam Speaker, as I have just described, the nature of the report I table today is one of progress. This is a piece of work that is still early in its implementation and there is much more still to come from it. Furthermore, as members of this Assembly can appreciate, the seven directions I have described are founded on some genuine principles of continuous improvement, clarity for our community, collaboration between our stakeholders, confidence in the quality, and effective core systems. I know the Education Directorate is always looking at ways to be more responsive to student and community need and the obligation to this need does not end when a student graduates year 12 or ends their schooling early. As educators, policymakers, and leaders in our community, it is important to understand our students' entire educational journey prior to, during and beyond schooling.

For that reason, in 2014 the directorate introduced a longitudinal survey of school leavers to find out if students continue with their initial and/or intended pathways in subsequent years and to further explore considerations, such as the trend to defer further study. This is the first longitudinal survey of its kind to be conducted in the ACT. The key results from this survey are showcased in a report, *ACT post school destinations and pathways in 2015*, which will be released shortly.

The career options of young people in the territory are many and varied. Likewise, our VET systems need to be adaptive to emerging industries, responsive to student need and provide secondary students a broad and deep scope of offerings to meet their career objectives. I am confident the report I table today demonstrates real and lasting progress towards achieving this goal. I am looking forward to the continued implementation of these future directions and the outcomes it will produce for our young people.

I present a copy of the statement and the progress report:

> Vocational Education and Training in ACT Public Schools and longitudinal study of school leavers—Review—Progress report—
>
> Ministerial statement, 4 August 2016.
>
> Progress report, dated August 2016.

and move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Medicinal cannabis scheme
Ministerial statement

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport Canberra and City Services and Assistant Minister for Health) (10.28): I am pleased to stand in the Assembly today and speak on the important topic of medicinal cannabis. It has been the subject, as members will know, of numerous inquiries and investigations across Australia, including our own here in the Assembly and in the Australian Senate last year.

However, there comes a time, after all the inquiries and investigations are done and all the evidence and testimony is in, when a decision must be made. Governments must lead and make decisions that are in the best interests of their community, which is why I am very pleased to inform the Assembly today that the ACT government will take immediate steps to implement a medicinal cannabis scheme in the ACT that will allow the prescription of medicinal cannabis products. I expect such a scheme to be in place in 2017.

In doing so, we join Victoria, Queensland and New South Wales in implementing such a scheme. All of these state schemes follow the passage in February this year of amendments to the commonwealth Narcotic Drugs Act 1967 by the federal parliament. These amendments will enable licensing of the cultivation and manufacture of medicinal cannabis products through a national scheme.

Last year the government responded to an inquiry by the health, ageing, community and social services committee. In its response the government indicated its strong preference for a nationally consistent framework for medicinal cannabis. The commonwealth legislation is a major step forward although exact time frames are still not yet known. We will work quickly to enable access to medicinal cannabis products as soon as possible.

In addition, the Therapeutic Goods Administration has made an interim decision, which is expected to be enacted in the coming months, to reschedule medicinal cannabis from schedule 9 prohibited substance to schedule 8 controlled drug under the poisons standard. The ACT automatically adopts Therapeutic Goods Administration scheduling decisions through relevant provisions in the Medicines, Poisons and Therapeutic Goods Act 2008.

While the national scheme will provide the framework for the management of the cultivation and manufacture of medicinal cannabis products, jurisdictional governments are responsible for the development of a system to manage the distribution, prescription, possession and use of medicinal cannabis products. The rescheduling of medicinal cannabis will have the immediate effect of making medicinal cannabis a controlled medicine in the ACT.

In light of these developments and the government's desire to enable a medicinal cannabis scheme, it is clear that the ACT government requires a considered and coherent framework to support the management of medicinal cannabis products. To this end, since the passage of the commonwealth legislation I and senior officials from Health, other government agencies and the police have been working towards a framework to give effect to the government's intentions. As it stands, there is no immediate requirement to amend ACT legislation to facilitate the implementation of a medicinal cannabis scheme in the ACT.

Currently, under existing regulations for the prescription of schedule 8 medicines, they can be prescribed with the approval of the Chief Health Officer. This framework gives the ACT an opportunity to implement a scheme with clear regulatory oversight that protects both patients and public health. However, while there is no legislative change required at this stage there are a number of matters that need to be considered.

To begin with, we must align the existing controlled medicines approval processes to support the supply of safe, high quality medicinal cannabis products to eligible individuals. Further, as there is currently no clinical guidance on what types of conditions medicinal cannabis can and should be prescribed for, the government will also develop evidence-based and expert, informed guidance documentation to inform and support medical practitioners in how best to prescribe medicinal cannabis products. This documentation will include advice on appropriate indications and dosage. We will also develop education materials for clinicians and the general public to support this guidance.

In implementing a medicinal cannabis scheme we must be mindful of the potential impacts it will have on law enforcement and criminal activity. We will implement a

robust scheme that takes into account issues such as drug driving and the risk of criminal diversion. In this regard let me be clear that this is not a discussion about the legalisation of marijuana or a framework for the licensing of people to smoke marijuana on compassionate grounds. These are separate issues, with separate considerations. What we are talking about is a scheme which will treat medicinal cannabis products in the same manner as we treat other medicines.

Some of these products, such as Sativex which has been available in Australia for some time, are already being manufactured around the world. However, these products are currently manufactured overseas and imported at great cost to Australians. The commonwealth changes will now allow licensed Australian companies to research, grow and produce medicinal cannabis locally.

This presents the ACT with another opportunity. While we are a small jurisdiction and our ability to cultivate and manufacture is limited by our geography we do have other strengths in this area, especially in the areas of research and product development. We already have some of the best medical researchers in the country based at our local higher educational institutions and advancing research on the efficacy of medicinal cannabis to treat a range of illnesses and conditions presents another opportunity to support cutting-edge research in Canberra and showcase our city as the research capital of Australia, which is why, as well as working to implement a medicinal cannabis scheme, the ACT government will also work with industry and local researchers and institutions to continue to investigate the medicinal properties of cannabis so that products can be developed that help patients.

Indeed, there is already movement in this space. I was very pleased to see the University of Canberra and Cann Pharmaceutical announce their partnership to test the use of medicinal cannabis in the treatment of cancer. This two-year trial will be lead by Professor Sudha Rao from the University of Canberra and will aim to see how medicinal cannabis can be used in conjunction with other treatments to stop one of Australia's most prevalent cancers, melanoma. This is just one innovation that is being brought to the ACT, but there will be others.

The government is meeting with industry partners and investigating other research opportunities. We are also investigating how we can work cooperatively with Victoria and New South Wales and across Australia to lend our expertise to this exciting field of medical research. Indeed, the Chief Minister and the Victorian Premier spoke specifically about medicinal cannabis when they met earlier this year.

To pursue these opportunities and to develop and implement the strong framework I spoke about earlier, the government will appoint two expert advisory committees from across the spectrum of government agencies, non-government agencies, medical specialists and law enforcement. The first group, to be known as the medicinal cannabis medical advisory panel, will provide high level advice to the Chief Health Officer on development of clinical guidelines and regulations relating to matters including, but not limited to, the specialties that can prescribe medicinal cannabis, indications for prescription of medicinal cannabis products, types of medicinal cannabis products that can be prescribed for each indication, appropriate dosages to be prescribed for each indication and appropriate routes of administration for each product.

The government will also establish a medicinal cannabis advisory group to provide advice to government on the broader economic, legal and social issues related to the introduction of a medicinal cannabis scheme. This group will also provide advice to the government on research and economic opportunities which may be created as a result of this scheme.

The ACT has a long history of forward thinking and measured drug reform and the scheme continues that record. While Victoria and others may have started first, I have no doubt that with the ingenuity and knowledge that we have in our city we will be able to quickly and expertly develop a scheme and deliver medicines to the people of Canberra and that we can become a national and, potentially, global leader in medicinal cannabis policy, research and medicine.

The ACT government is committed to the implementation of a medicinal cannabis scheme which will deliver effective and trusted treatment to those Canberrans who need it, clear guidance for practitioners and the opportunity to develop a research specialisation to promote research into medicinal cannabis. We have already started the work. I look forward to providing future updates to the Assembly and to the community on our progress towards this goal in 2017.

I would also like to take the opportunity, having been part of the standing committee on health last year for the inquiry into Minister Rattenbury's draft bill, to thank Minister Rattenbury for putting this issue on the agenda with the Assembly last year and also thank our colleagues on this side of the chamber, including Mr Hinder, who was the chair of the Labor Party health policy committee and who has also been leading work internally on this matter for some time.

I present the following paper:

> Medicinal Cannabis Scheme—Ministerial statement, 4 August 2016.

I move:

> That the Assembly take note of the paper.

MR RATTENBURY (Molonglo) (10.37): I will make just a few brief remarks but I would like to acknowledge the statement that Minister Fitzharris has just given. I think this is a significant breakthrough to allow sick and dying people to access cannabis as a medical treatment.

There has been discussion about the use of cannabis for medical purposes in the ACT for some time now. When I first put the legislation forward over two years ago I think at the time there was uncertainty and hesitation. We have come a long way in that time and I really welcome the fact that others have come on board and are supporting this and that we are now moving to a place of implementation. Now that the ACT government has made this decision we do need to see it acted upon genuinely and swiftly.

Unfortunately in the past we have seen circumstances such as those in New South Wales over a decade ago where a scheme was promised, then there was some degree of public pressure and later the scheme was forced to be abandoned. I think that that was very frustrating for the people involved but I have real confidence that, in the way Minister Fitzharris has described this today, there is a strong framework to deliver this program. Each of the two expert groups that she described has its role to play, and I think they can bring real vigour to this process.

As we move through to finalising the details of the scheme, I think there are a number of key elements that need to be addressed. I do believe that the scheme should not be too restrictive and should be open to people with terminal illnesses as well as other serious illnesses, including children with severe epilepsy where a doctor has been involved and has agreed that that is a suitable treatment pathway. I do consider that it should not be limited to just pharmaceutical cannabis products, of which there are few and which are very expensive. It is likely that they will take many years to develop further.

We do need to have this scheme in place as quickly as possible. Minister Fitzharris has said 2017. I think that is a good time frame. I think it should be within a year, and I think that will meet that time frame. In the interim we do need to be very clear and have an amnesty for genuinely ill people in possession of small amounts of cannabis for medical use. I think that people should not be in a position where they are deriving benefit from this and fearing the possibility of charges arising from that.

Some of that lies at the discretion of the AFP. I think they take a sensible approach to these things. We have seen in the past 12 months a raid by the Australian Federal Police on somebody who was enabling people to access cannabis for medical purposes. That was a very disappointing situation and I hope that as we move towards implementing this scheme we will not see that sort of circumstance arise again.

I simply want to conclude by thanking Minister Fitzharris for bringing forward this statement today, for bringing this reform through. I think this is a great outcome for residents of the ACT, and it will be a real solace to people who are sick and dying that they can now access this treatment in a way that is above board, legitimate and supervised medically. I know that there are people in the community for whom this treatment pathway has made a very significant difference to their lives.

We have seen some of the stories in the press from other jurisdictions. There is one young lady locally who very bravely went to the press earlier this year and described the circumstances that she had been through and the very significant difference it had made to her quality of life, her ability to go back to studies. I think that having this more above-board and legitimate pathway rather than it having to be something that people were reluctant to talk about is a very good outcome for our community.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Report 10

MADAM SPEAKER: I present the following report:

> Administration and Procedure—Standing Committee—Report 10—*Inquiry into provisions of the Legislative Assembly (Office of the Legislative Assembly) Act 2012*, dated 3 August 2016, together with a copy of the extracts of the relevant minutes of proceedings.

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

> That the report be noted.

Public Accounts—Standing Committee
Report 30

MS LAWDER (Brindabella) (10.41): I present the following report:

> Public Accounts—Standing Committee—Report 30—*Inquiry into the Loose-fill Asbestos Insulation Eradication Scheme—Quarterly progress reporting*, 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 30 of the Standing Committee on Public Accounts inquiry into the loose-fill asbestos insulation eradication scheme quarterly progress reporting.

As members will be aware, in November and December of 2014 the public accounts committee inquired into and reported on the supplementary appropriation bill that would underpin the funding of the government's loose-fill, or Mr Fluffy, asbestos insulation eradication scheme, which I will refer to as the scheme. It would appear that at the moment I am the only original member left from the PAC that participated in that inquiry, but members will be aware that the funding source for the scheme is a $1 billion concessional loan from the commonwealth government.

In the inquiry the committee recommended, amongst other things, that, to ensure adequate coordination and monitoring of the scheme, the government table quarterly progress reports on its implementation. The government agreed with that recommendation, stating:

> The Government has already agreed to do so. The Chief Minister's Ministerial Statement on 30 October 2014 was the first such report.

Given the one-off size and cost of the scheme in the context of the territory's budget, and also the impact of the Mr Fluffy legacy on affected families and households and Canberra as a community, the committee considered that it was important to monitor progress on implementation of the scheme. Accordingly the committee resolved, on 10 March 2015, to inquire into all tabled quarterly progress reports and report to the Assembly on any items or matters in those reports, or any circumstances connected with them, to which the committee was of the opinion that the attention of the Assembly should be directed, and any other relevant matter.

Since commencing its inquiry, the committee has been in a position to consider five quarterly reports. In response, along with its report today, the committee has made two 246A statements relating to matters arising in these reports. In the report today, the committee has made seven recommendations. I will make a few brief comments this morning as they relate to those recommendations.

Three recommendations are concerned with improving the timeliness and consistency of reporting and the usefulness of performance information in the quarterly reports. Two recommendations are focused on the change in process for clearing affected blocks. One recommendation asks the responsible minister to update the Assembly by the last sitting day in August 2016 as to the (i) latest developments concerning the claims of theft from affected properties; and (ii) the impact that the closure of the west Belconnen resource centre for five days in June this year, due to heavy rain, may have had on the demolition program. Finally, one recommendation asks the government to consider finalising its response to Auditor-General's report No 4 of 2016, *The management of the financial arrangements for the delivery of the loose-fill asbestos (Mr Fluffy) insulation eradication scheme*, before the commencement of the caretaker period.

In concluding, I would like to thank my committee colleagues, Ms Burch, Mr Hinder and Mr Coe; and the former chair, Mr Smyth, and other former members of the committee under whom this inquiry commenced. And I very much thank the committee secretariat.

The Mr Fluffy legacy is not just about the past; it is about the present and the future lives of many people: affected families and households, but also Canberra as a community. Members of the committee and members of the Assembly generally, I am sure, will remember the sometimes harrowing but always very genuine anguish of people who appeared before the committee in its inquiry back nearly two years ago. These are people whose lives have been disrupted in a way that many of us would struggle to understand. We heard from families whose children were born in those homes, whose children were married in the homes, who had beloved pets buried in the garden. It was a very moving experience.

It is right and proper that the Assembly monitors the quarterly reports and that the government provides a response to the PAC inquiry into those reports.

Given the impact of this legacy of the Mr Fluffy scheme, successful implementation of the scheme will be paramount in determining how those affected families and households, and Canberra as a whole, can move forward now and into the future. I commend the report to the Assembly.

Question resolved in the affirmative.

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

MR HINDER (Ginninderra): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Training and Youth Affairs in relation to the committee's consideration of the annual and financial reports referred to it in October of 2015.

Pursuant to the resolution of the Assembly dated 29 October 2015, inter alia, the following annual reports were referred to the committee: the annual report for the University of Canberra for 2015 and the annual report for the Canberra Institute of Technology for 2015. Both annual reports were tabled in the Assembly, pursuant to statutory requirements, by the Minister for Higher Education, Training and Research, on 5 May 2016. I note that this was after the committee had tabled its report on all other annual reports for 2014-15 referred to it under the resolution of the Assembly.

Both annual reports are annual reports for the calendar year 2015 rather than the 2014-15 financial year. Paragraph (4) of the resolution referring these two annual reports to the committee says:

> Standing committees are to report to the Assembly on financial year reports by the last sitting day in March 2016 and on calendar year reports by the last sitting day in August 2016.

The committee has endeavoured to conduct an examination of the annual reports in question. Due to the significant workload placed on members by the budget and estimates processes, the committee has been unable to give the report more than a cursory review and therefore will not be able to provide the Assembly with a considered report.

Accordingly, on behalf of the standing committee, I advise the Assembly that the committee cannot fulfil the requirements placed on it by the Assembly and recommends to the Assembly that these two annual reports be referred to the appropriate standing committee established by the ninth Assembly and encourages any new committee to consider the reports. We also advise that the timing of these reports, being calendar rather than financial year, will probably result in this standing committee's being unable to fulfil the requirements of the Assembly in the fourth year of each successive Assembly.

On behalf of the standing committee, I also inform the Assembly that the committee has written to the Minister for Higher Education, Training and Research advising that it proposes a course of action for these annual reports.

Executive business—precedence

Ordered that executive business be called on.

Traders (Licensing) Bill 2016

Debate resumed from 8 June 2016, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR WALL (Brindabella) (10.50): The opposition will be supporting this bill. As described in the explanatory statement, the objective of this bill is to provide more efficient administration for the licensing of traders whilst ensuring that such licensing supports regulatory actions and maintains the public interest. The bill is aimed at consolidating the core licensing provisions from four fair trading acts.

I understand that it is the intent of the government that the bill will then serve as model legislation for existing and future instances of fair trading licensing obligations by allowing the integration of other fair trading licences into this act, once enacted, in the future. It is my hope that these changes do indeed make it easier for individuals and businesses, specifically in the motor vehicle dealer and repairer, second-hand dealer and pawnbroker industries, to apply for, renew and maintain their licences.

My reading of the bill indicates that the real benefits for these businesses will be the ability to ensure that information provided on their applications for licences will be captured once and stored, removing the need for these businesses to repeatedly resupply the same information over and over again in renewing or expanding the scope of their licences.

While the bill purports to cut red tape for business—and I note that there is an increase in the duration of licences for businesses and anticipate that this bill will go some way in providing some relief for local industry—it is worth noting that currently it will apply to only three business sectors and that in large part their licensing requirements are being transported into new legislation rather than arrangements actually addressing the scope of licensing in totality.

I will also reiterate my belief that these measures being introduced by the government will assist in reducing red tape to some extent with business but that the greater benefit of this is largely for the benefit of the bureaucracy and the public service in administering these licences going into the future. That said, though, it is a step in the right direction, and we support any initiative that aims to streamline the current onerous requirements placed in front of businesses seeking to operate within the ACT.

MR RATTENBURY (Molonglo) (10.53): I am pleased to support the Traders (Licensing) Bill before us today.

Since its establishment, Access Canberra has been consistently driving reform in the ACT to create a regulatory environment that fosters economic growth and business confidence while also protecting the community and ensuring public safety. This bill contributes to Access Canberra's vision of becoming a leader in providing customer services and supporting a regulatory environment that fosters economic growth and a safe, sustainable, vibrant community. The bill assists Access Canberra's commitment to have a one-stop shop customer experience, providing businesses and individuals with faster, simpler and smarter methods for accessing government services.

The bill removes requirements that put the burden on applicants to provide a range of supporting documentation with their application, such as standard police checks and planning approval checks, and instead allows Access Canberra to collect such documents on their behalf. This will create time savings for licence applicants and holders and reduce their administrative burden so they can focus their limited resources back on their business.

This bill achieves significant reductions in red tape for the motor vehicle sales and repair industries and for second-hand dealer and pawnbroking businesses in the ACT, with a simple, accessible and easy to understand licensing process.

In addition to standardising licensing requirements, the bill gives the licence holder flexibility by allowing them to transfer the licence to another person. This is a significant convenience when a business is sold, for example. The new owner does not need to go through the full application process for a new licence. The transfer process will simply require consideration of the new owner's suitability for the licence as the suitability of the business itself would already have been established.

This bill advances Access Canberra's ongoing program of simplifying and streamlining its licensing processes and service delivery. It provides the legislative framework for licence applicants and holders to be able to interact with the government online at any time of day or night through the creation of effective digital licensing processes. There are transitional arrangements to make sure that licences current at the time of commencement of this legislation will continue with the same conditions and same expiry date.

While this bill provides real and immediate benefits for the industries it currently includes, its greatest value is as model legislation for a future single licensing framework. The government's intention is that this bill will be expanded by stages to encompass other more numerous and complex licence types.

The Commissioner for Fair Trading issues around 40 different types of licences across various industries in the ACT. Clearly not all these industries are the same, so they cannot be regulated in the same way. The bill retains the flexibility to require additional requirements or considerations that may be appropriate for specific industries that are higher risk, should they be included in future stages of this legislation.

This risk-based regulation model allows Access Canberra in turn to apply a risk-based compliance approach to make sure resources are targeted to where the risks of harm, unsafe practices or serious financial loss are greatest.

This bill, I believe, achieves the right balance between effective consumer protection and convenience for industry. The bill does not in any way affect Access Canberra's ability to monitor and enforce compliance within these industries. The enforcement powers of the Commissioner for Fair Trading remain largely unchanged.

Madam Speaker, I believe this bill provides much needed clarity, flexibility and simplicity to the fair trading licensing process, and as model legislation for an expanded single licensing framework it will help to create an environment in the ACT that supports business and the wider community. I am happy to support this bill.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.57), in reply: I thank members for their support of this legislation. It is another important step in creating a regulatory environment in the ACT that supports new and existing businesses by reducing the administrative burden, providing licensing flexibility and removing outdated licensing requirements.

The streamlined application processes enabled by the bill will enable the development of a modern, digitally led licensing process, which is set to reduce the time and complexity associated with processing applications whilst delivering significant cost savings to the community.

This government understands there is a desire and expectation within the business community for regulatory agencies to assist businesses in meeting their regulatory obligations through positive engagement, clear and accessible information and simpler, streamlined and digitally enabled processes. I thank members for their support of this legislation today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Health, Ageing, Community and Social Services—Standing Committee

Statement by chair

MS BURCH (Brindabella): Pursuant to standing order 246A and continuing resolution 5A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing, Community and Social Services relating to statutory appointments.

In the period 1 January to 30 June 2016, the Standing Committee on Health, Ageing, Community and Social Services considered a total of seven statutory appointments or reappointments. In all seven instances, the committee noted the proposed appointments and made no further recommendations.

In the period 1 July to 31 December 2016, the standing committee also considered a total of seven statutory appointments or reappointments and, again, in those seven circumstances, made no further comment.

Pursuant to continuing resolution 5A, I present the following paper:

> Health, Ageing, Community and Social Services—Standing Committee—Schedule of Statutory Appointments—8th Assembly—Periods 1 January to 30 June 2016 and 1 July to 31 December 2016.

Revenue Legislation Amendment Bill 2016

Debate resumed from 8 June 2016, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (10.59): The opposition will be supporting the Revenue Legislation Amendment Bill 2016. The bill amends the Duties Act, the Rates Act and the Taxation Administration Act to improve revenue collection in the territory.

The bill amends the Duties Act to clarify the timing of duty payments for the purchase of off the plan residences. The bill repeals provisions that are no longer relevant including those relating to declarable affordable house and land packages and the ability for the minister to declare a recognised stock exchange by disallowable instrument.

The bill amends the Rates Act to clarify the meaning of the "relevant date" for determining the unimproved value of the parcel of land. In practice the relevant date has always been 1 January immediately before the beginning of the financial year, so the bill makes this clear. Under the Rates Act, owners who intend to develop land for both residential and commercial purposes may have rates applied proportionally. The current provisions allow for rates on undeveloped land to be applied based on the owner's intention. The bill removes references to "intention" and replaces it with a requirement for the land to be either entirely undeveloped or have development approval for both residential and commercial development. The provisions will cease to apply if development has not started within two years or if the development has not materially affected the permitted use of the parcel within that time.

The bill amends the Taxation Administration Act to grant valuers from the ACT Valuation Office the dedicated power of entry to conduct valuations. Valuers will hold identity cards, and an increased penalty will apply for people who obstruct or hinder the valuer in their work.

The opposition will be monitoring this power and these changes to make sure they are having the intended consequences. If we feel they are having an unintended consequence or placing an unreasonable burden on people who are seeking to create opportunities in Canberra we will seek to make the appropriate changes.

In addition to the changes I have already mentioned, the bill replaces references to "serving" a document with "giving" a document. In conclusion, the opposition supports this bill, which makes minor changes to the revenue legislation in the territory.

MR RATTENBURY (Molonglo) (11.01): The bill before us today is a fairly small bill but one which will make some neat changes towards making our rates fairer and clearer. The bill amends three acts. It amends the Rates Act to clarify the date of valuations for rates calculations to ensure that all valuations are set at 1 January of that financial year for rates. The other amendment to the Rates Act in this bill is to change rates classification for both residential and commercial rates calculations to be based on the actual use of the site, rather than the current system whereby rates are calculated on the potential or eligible use of the site. This seems inherently fairer and something the Greens can support.

The bill also amends the Taxation Administration Act to allow the Commissioner for ACT Revenue to appoint authorised valuers with dedicated powers of entry and inspection. There are also a number of minor amendments to the Duties Act that remove a range of obsolete references which are no longer necessary.

Noting that this is a minor reform, it is nonetheless a reform that we support, and I am happy to support the bill today on behalf of the Greens.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (11.02), in reply: This bill is an essential part of the ACT Revenue Office's continuous improvement efforts. It is important to regularly revisit tax legislation to make it simpler, fairer and more efficient; to reduce red tape; and to correct minor errors. Efficient administration benefits all taxpayers in the community, as it improves equity between taxpayers and allows the Revenue Office to deploy its resources in the best possible way. I thank members for their support of this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes (Serious and Organised Crime) Legislation Amendment Bill 2016

Debate resumed from 9 June 2016, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (11.04): The Canberra Liberals will be supporting this bill. It amends eight territory laws targeting serious and organised crime by giving ACT Policing powers, particularly in relation to the criminal activities of outlaw motorcycle gangs, to target and disrupt serious and organised crime to ensure that the ACT community is safe from violence, drug trafficking and illegal activities.

The bill will modernise and relocate move-on powers, expand the categories of the offence subject to non-association, introduce a new bail power for the Director of Public Prosecutions, allow corresponding offenders to be prescribed where they have not been convicted but are subject to a registration order in another jurisdiction, clarify the operation of the new intensive corrective orders and amend the Crimes (Assumed Identities) Act 2009 to improve the operation of assumed identities for commonwealth intelligence agencies.

There are some late government amendments, which we will be supporting. The supplementary amendment circulated by the government notes that the amendments to the bill are required to address issues that have been raised by key stakeholders about the bail review power, the exclusion order provisions and to include other urgent amendments to the Firearms Act 1996 to address matters considered by the Court of Appeal.

The second amendment circulated by the government is to insert a new clause 180, "Exclusion directions—annual report", requiring the minister to prepare a report for each calendar year about exclusion directions given during the year and also to insert new clause 26A about the non-association orders and place restrictions made during the year.

The bail review power for the DPP has caused some controversy. The Australian Institute of Criminology noted that the purpose of refusing bail is to protect the community and reduce the likelihood of further offending. We have seen a number of media reports where offenders on bail have committed offences. I indicate my frustration at this point that the government does not collect and collate that information and make it available for members of the Assembly. I know, Madam Speaker, that when you were the shadow attorney-general you addressed this issue some years ago. I have continued to do so since becoming the shadow attorney-general. Even as late as the estimates hearings in June, when we asked for the summary of the number of offences and the nature of offences committed by individuals whilst on bail, that information was not available. It is not collected; it is not collated. That is an ongoing frustration and is something we would address in government.

There is no doubt that there have been incidences, both in the ACT and in other jurisdictions, of offenders released on bail who have then reoffended and committed serious offences, in some cases resulting in death. This is a matter of achieving the balance between the rights to liberty of individuals not found guilty of an offence and community safety. It is a difficult balance to achieve.

One of the key concerns raised by stakeholders was the length of time for which individuals can be held after an appeal made by the DPP. I note the amendment from the government reduces that period from 72 hours to 48 hours. That 72-hour period was working hours so, in effect, if an appeal were made on a Friday afternoon, the period of continued incarceration could have been significantly longer. Another change is to require a review of the powers two years after they come into operation, and that is a welcome amendment.

I understand there is an amendment being circulated by the Greens in relation to this that the government will not be supporting. I have not had any conversation with the Greens person about this, but I think that there are concerns with what the Greens are asking for. I note they have raised some concerns with this aspect of the legislation. I understand those concerns but will not be supporting their amendment. We have discussed that with the government.

This is a complex area, there is no question. There are those who support it, including the Victims of Crime Commissioner, but I note that the Law Society does not support this. I met with the Law Society to discuss this issue. I note their concerns and I understand the rationale for why they have raised their concerns. They have advised also that the Bar Association has the same concerns with this legislation. It is a complex and difficult area of law. It is that balance between the rights of individuals and community safety. I think the government in this case has listened and has sought to get the balance right by their amendments.

Given the government intends to move amendments, once they are made they will go a long way to addressing the concerns that have been put forward. I acknowledge this is an area that will need to be monitored. We do not want to see vexatious appeals. This legislation should not result in an automatic appeal every time a magistrate grants bail; it should be done only in those cases where there is a considered and urgent need for an appeal. That will need to be monitored, and I am glad there is a review clause as part of this legislation. We will support the bill, noting those concerns. I indicate that I will be supporting the government amendment but not that from the Greens.

MR RATTENBURY (Molonglo) (11.11): The Crimes (Serious and Organised Crime) Legislation Amendment Bill proposes several new laws, the intention of which is to disrupt the criminal activities of outlaw motorcycle gangs. Despite its title, the bill also proposes several other amendments to the criminal law, including in relation to child sex offenders and in relation to the granting of bail. The Greens are agreeable to some of the changes in this bill. However, there are several that we do not support and which we believe are problematic. It appears that we will be the only party to oppose the problematic parts of this legislation, so I will take a little time to explain my concerns; and I also flag that I will be proposing an amendment in the detail stage.

Mr Corbell has talked to the Assembly about the threat of outlaw motorcycle gangs—or OMCGs, for short—in the ACT. The issue was of course part of cabinet discussions for this legislation. The explanatory statement also provides an assessment of the current situation in the ACT relating to OMCGs. Essentially the situation is—to quote the explanatory statement—that "incidents involving offending that can be directly attributed to OMCGs are rare in the ACT" and that "the level of activity by OMCGs is relatively low in the ACT". However, it still does pose a public safety risk. There is a reported increase in activity related to these gangs. Essentially, the government and ACT police need to remain vigilant and would like long-term preventative capabilities to address OMCG activities in our region.

Like anyone in this chamber, I am concerned about serious organised crime. None of us want outlaw motorcycle gangs or other criminals to commit crimes in our city or to endanger our citizens. And I support giving the police appropriate powers to tackle these issues. The question, of course, as it is with any of the laws that we debate in this Assembly, is: are they appropriate and are they justified? There are other issues to consider and balance beyond tackling crime, such as impacts on the community, the rights set out in our Human Rights Act like freedom of association and freedom of assembly, and the efficacy of the laws and evidence to support them.

I note that Mr Corbell has withdrawn the anti-consorting laws from the government's agenda and I am pleased that he made that decision. Mr Corbell took a sound and principled approach to the pressure to introduce the anti-bikie consorting laws in 2009, laws that have been extremely problematic and which were struck down by the High Court as unconstitutional. The Greens were concerned that they may be coming back onto the agenda. Those anti-consorting laws are ones that seriously challenge important rights in our society. They limit freedom of association, assembly and movement. They deem human interactions and associations to be suspicious and criminal. To top it off, their efficacy is seriously under question. This is not just me saying this; the laws have been reviewed and reported on extensively.

The anti-consorting laws are put into perspective by looking at the first individual charged under the New South Wales anti-consorting laws. He was not a member of an unlawful motorcycle gang. He was a young man with an intellectual disability charged while out shopping with friends and sentenced to nine months jail. His conviction was later overturned. I mention anti-consorting laws because the controversial elements of today's bill are, to some extent, in the same vein. They are laws that are ostensibly to be used for tackling organised crime and outlaw motorcycle gangs, but they are also laws that intrude significantly into everyday rights of individuals and I think are liable to lead to broader negative consequences.

I will start by talking about the proposal to expand the offences for which a court can place a non-association and place restriction order, or a NAPRO, on an individual. As the name suggests, these are court orders that prevent a convicted person from associating with a certain person or visiting a certain place. Currently, a NAPRO can be used in relation to a personal violence offence and that is all. This makes sense, and the original laws were designed to serve this function. Violence often occurs in the context of relationships. The court may feel a person is still under threat of violence, so they order that the offender cannot go near a victim or their residence—like a version of an AVO or DVO.

The proposal from the government is to change this type of order into something quite different in an attempt to find powers that they can use on outlaw motorcycle gangs. It is attempting to expand NAPROs so that they can be used in relation to a range of offences: serious drug offences, serious property offences, serious administration of justice offences, and ancillary offences such as conspiracy and attempt. Perhaps most disturbingly—and I ask members to consider this carefully—a NAPRO can also be used for any other offence that is prescribed by regulation. What additional offences will be prescribed by regulation? Why has the government included this ability to endlessly expand the scope of NAPRO offences by regulation, a mechanism that does not come under the same scrutiny as if it was declared in a bill before the Assembly?

We are no longer talking about an order that is designed and targeted at instances of individual violence against a particular person, an order that is intended to protect that person. We are talking about a very different and broader type of law, whose limits are not even defined. We are also talking about restricting people's freedom to move and associate, even though they will not ordinarily be committing any crime.

A stated intent of the government's new NAPRO scheme is that it will remove bad influences and allow an offender to rehabilitate. Another consideration, though, is that by criminalising association, NAPROs offer another way for an offender to commit an offence and thereby return to the criminal justice system, which will perpetuate those negative influences.

Have a look at how non-association orders have been used in New Zealand, for example. New Zealand media reported that homeless people in Christchurch have been banned from associating with each other under New Zealand's equivalent NAPRO scheme. They can no longer eat together at charity-provided meals. They were given the orders because they were sleeping in abandoned buildings. Homelessness charities were appalled at the decision. The comment from one was that these people "have no-one else; this is their family".

This leads me to another concern with the proposed NAPRO regime, in that it does not preclude orders that prevent association between an offender and a member of their close family, or which prevent an offender attending their residence, family member's residence, or place of work, education or worship. When NAPROs restrict such personal associations, there is a higher chance the person will breach the order regardless and thereby commit an offence. This may be particularly so with Aboriginal and Torres Strait Islander people who often have particularly close kinship ties. This is the situation with the homeless people in New Zealand that I mentioned. They are told they cannot associate with their homeless friends or go to the buildings where they sleep. What do you think they are going to do in those circumstances when those people are essentially their family and the buildings are essentially their homes?

Particularly if NAPRO offences are expanded further via regulation, I hold concerns about the broad ranging impact the orders could have, including on vulnerable groups such as Aboriginal and Torres Strait Islander people. This has been a real concern in New South Wales where NAPROs are permitted for a wide range of offences. The stated intention is to prevent gang-related activity. Groups who work with the community such as the Shopfront Youth Legal Centre have raised concerns with how the laws impact on vulnerable groups. At a time when we have over-representation of Indigenous people in our criminal justice system, to be putting in place the sort of offences that are likely to lead to them getting more and more administration of justice offences which see them land back in jail again is counter to what we should be seeking to do to break this cycle of over-representation in our justice system.

This leads me to the next problematic area, the amended exclusion order powers. The power allows an officer to direct a person to leave a certain exclusion zone for up to six hours and failure to do so constitutes an offence. The officer can order a person to

leave the public place if they have a reasonable belief that the person is engaged in or is likely to engage in conduct that involves violence towards or intimidation of a person, involves damage to property or would cause a reasonable person to fear for their safety.

This broadens the existing powers considerably. Previously the powers applied only to violent conduct. The additions of "damaging property" or "causing a reasonable person to fear for their safety" could encompass a wide range of behaviour, well beyond the existing definition of "violent conduct". For example, a person who is homeless or sleeping rough and is behaving erratically might be judged likely to damage property or to cause a reasonable person to fear for their safety. Even by residing in a public place a person who is homeless or sleeping rough might even be judged to be "damaging property". In fact, I believe that to help allay this concern it may be appropriate to tighten the existing move-on powers by replacing "violent conduct", which could be interpreted broadly, with a narrower definition such as "violence towards, or intimidation of, a person".

My concerns are not unfounded. I have formally raised concerns, and the government is aware, that move-on powers in Australia have been broadly exercised in a way that disproportionately impacts on people who are already vulnerable, in particular Aboriginal and Torres Strait Islander people, people who are sleeping rough or homeless, and young people. I remain very concerned that broadening these powers so considerably provides more scope for the powers to be used in this fashion regardless of the intent of the amendment.

Empirical research supports this concern about disproportionate use. The New South Wales Ombudsman's report on the New South Wales law identified exactly the issues I am concerned about. It found they were disproportionately used against young people and Indigenous people. Move-on powers were also being used to deal with behaviour associated with homelessness. The same occurred in Queensland. In Queensland, Indigenous youth received 37 per cent of the move-on directions although they are only four per cent of the population. This is bolstered by anecdotal evidence from service providers and peak bodies. A number of government inquiries and reports have similarly expressed concerns about not only the introduction of move-on powers but also their expansion—exactly what is proposed here today.

I am sympathetic to the position put forward by Professor Simon Bronitt from Griffith University who, in his analysis of move-on laws in Australia, wrote that the aims of the architects of move-on powers are admirable and are intended to de-escalate situations and enhance community safety. He then wrote:

> In practice, however, move-on powers operate as merely another pathway into the criminal justice system.

As his article sadly concludes, the wide scope and inherently discretionary nature of move-on powers pose significant risks of both arbitrariness and unfairness in the administration of criminal justice. It is also the case that the politically unpopular can be the target of move-on powers or exclusion orders.

The bill presented by Mr Corbell proposed to take away an exemption that applies to people who are picketing, protesting or demonstrating. I do not agree with this, and I wrote to Mr Corbell expressing this and my other concerns. The right to protest and demonstrate is fundamental. I am concerned the amendment will erode this, particularly in combination with the broader scope of the powers I have talked about. I am pleased to see that Mr Corbell is presenting an amendment to remedy this. The ACT will continue to be one of the jurisdictions to have an exemption to protect protest, as several other jurisdictions do. Taking this away would have been a negative step indeed.

As a summary of these two amendments—NAPROs and expanded move-on powers—I do not believe the evidence is there for their efficacy. I believe they have scope to be used in a much broader way than we may wish, and I do not think we have a suitable mechanism for ensuring that they will be used for their intended purpose. I do not believe the government has provided a strong justification for these laws. For laws that are supposed to be about stopping the activity of serious organised crime, I am concerned that these laws are not really targeted at serious organised crime and will impact disproportionately on the vulnerable groups I have spoken about today.

In contrast, I cite anti-fortification laws as an example of a law that I think would be targeted at serious organised crime and that I potentially could support. Fortifications are, apparently, used by criminal organisations to keep out police—things like massive barricades of steel and masonry. Allowing the removal of such barricades seems quite targeted—much more so than a law that says exclusion orders can be issued by police officers to people they think may damage property in the future or may cause a person fear.

Lastly, I want to express my opposition to the proposed new bail power. Fundamentally I do not see why the government is ceding the bail power away from the courts, whose job it is to make bail decisions based on all the evidence, and essentially giving some of this power to the DPP. Basically, what will occur is that if the court makes a decision on bail, the DPP can stand up, say they disagree and want to appeal, and then the defendant is no longer granted bail. They go back into remand while a judge reviews the matter and it is resolved. Essentially, the DPP has an overrule power over the decision a judge has just taken. There are problems with that both in practice and in principle.

I hardly need to explain my opposition further, as the legal community has been very clear about what is wrong with this proposal. It has described the new laws as a disgraceful attack on human rights and an unnecessary and draconian reform. It has pointed out that this DPP power can be exercised in relation to all kinds of offences and they are not related to public safety. The government is introducing amendments today that will water down this power somewhat, which is welcome, but I still do not support it.

As ACT Bar Association President Ken Archer said, the laws still allow prosecutors to unilaterally decide to lock up individuals after a court has decided bail should be

granted. He said the government still had not demonstrated why these powers were needed. He said, "You don't introduce changes that effectively allow the DPP to incarcerate people, no matter for how long."

I actually do not understand this. The DPP brings forward the evidence as to why somebody should not be given bail. The magistrate's job is to then weigh up that evidence. Then almost straight away, if the magistrate decides to give bail, the prosecutor can say, "I don't like your decision and I'm going to overrule it." It essentially allows a second bite of the cherry and I cannot support it. I cannot see how others cannot see the problem with this being a fundamental challenge to the separation of powers.

I will reiterate my support for the other parts of the bill that I will not discuss in detail. The bill also amends the Crimes (Child Sex Offenders) Act 2005 to allow corresponding offenders to be prescribed where they have not been convicted but have been subject to a registration order in another jurisdiction. The Chief Police Officer must then decide, based on a number of considerations, whether a prescribed corresponding offender should be placed on the register and made subject to reporting obligations.

The bill also makes a number of other changes and minor amendments to the operation of the intensive correction order regime, which I support. The bill proposes amendments to sections 42 and 58 of the Crimes (Sentence Administration) Act 2005 that, by adjusting the conditions applicable to intensive correction orders, will improve the operation of the ICO for courts, corrections and offenders as well.

The amendment to section 42 simply clarifies that every offender who is subject to an ICO is on probation under the supervision of the director-general and that the offender must comply with the director-general's reasonable directions in relation to the probation. It was always the intent that this be a core condition and this amendment simply makes that intent clear.

The amendment to section 58 is designed to make adjusting a curfew condition simpler and more practical. ACT Corrective Services, acting on behalf of the JACS Director-General, already provides advice to the courts about the suitability of a place of curfew. In order to avoid the offender having to return to court should they move residence during the period of the order, a not unusual occurrence, this amendment allows for the assessment and decision on the suitability of an alternative residence to be made by the directorate. The assessment of the suitability of a place will be conducted as is the case now. This will reduce lesser matters being brought before the courts and significantly avoid situations where an offender is in breach of their order because they have moved and have not been able to have the curfew conditions reviewed in a timely manner.

With those remarks, as I have flagged, I will be moving an amendment later. There are a number of provisions that I will be opposing in the detail stage.

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) (11.29), in reply: I thank members for their comments on this

bill. The bill is designed to ensure that the police and the territory's criminal justice system have up-to-date tools to target and disrupt serious and organised criminal activity in the territory. The bill reforms a number of pieces of the ACT's criminal law in a number of significant ways with a primary focus on addressing serious crimes. In particular, the amendments provide our police with improved capability to deal with criminal gangs and to protect our community from the illegal activity which is undertaken by these groups.

When I first introduced the bill in June this year I provided the Assembly with some information about the context within which we, as a government, have been developing this legislation. I will not delve into that detail again but I think it is important to note that the government remains concerned about the level of outlaw motorcycle gang activity in the territory and, in particular, the increasing diversity of criminal gangs in the jurisdiction. We have gone from a situation where we have one relatively benign group to four groups who are now undertaking their activity in the community.

In addition to that, whilst the total number of people is small, they have a disproportionate influence on the level of organised criminal activity in the territory that belies their absolute numbers. They are involved in drug dealing, drug distribution and money laundering. They are involved in standover tactics and intimidation. Their networks extend well beyond the formal notified or publicly declared members of those groups. So this is not a modest or minor issue that can be explained away by the relatively small number of patched members of OMCGs.

Their level of engagement in organised crime is disproportionate to their number and it is a serious issue for our city. For that reason the government does take these issues very seriously and we need to remain diligent in ensuring that our criminal law is able to effectively assist in the disruption, disabling and dismantling of the activities of organised crime.

Before speaking about the key amendments in this bill, I would like to take this opportunity to speak about the consultation that the government has undertaken in relation to the development of a potential consorting law model for the ACT. A discussion paper was released for public submissions on this issue in June this year. It provided an overview of consorting laws in Australia, a proposed model for implementation in the territory and raised a number of issues for consideration in relation to the potential impact of the laws on vulnerable people, the way that the warnings would operate, and whether the model effectively protects and balances the fundamental human rights that are engaged.

The government received eight submissions on the paper. While two expressed support for the proposals, six outlined strong arguments for not introducing consorting laws at this time. Seven of the submissions have been published on the JACS website for information. Based on the feedback through various consulting processes, including in relation to the discussion paper, and underlying the importance of ensuring that any consorting laws framework is compliant with our human rights obligations under the Human Rights Act, the government has decided to continue to undertake work on the development of consorting laws and that it will be a matter for

the next government to determine. This decision is consistent with the approach that has been taken by the government to date, which has always been to pursue a considered and targeted response to the threat posed by serious and organised crime in our community.

Turning to this bill today, I wish to foreshadow that the government will be moving a number of amendments to the bill. These amendments will address issues that have been raised by key stakeholders about the bail review power and the exclusion order provisions following the bill's introduction earlier this year. There will also be another amendment to the Firearms Act to address matters considered by the Court of Appeal in the case of the Director of Public Prosecutions v Scheele.

As I have said on many occasions, the picture of organised criminal activity in the ACT is not the same as in other jurisdictions but these groups are flexible and adaptable. The criminal environment is changing rapidly and we need to continue to monitor their activities and take a proportionate response to them.

The Crimes (Serious and Organised Crime) Legislation Amendment Bill reflects this measured approach. It strengthens our ability to tackle organised crime in the community. The bill introduces exclusion power orders to provide ACT Policing with better tools to deal with antisocial behaviour that can result in the intimidation of members of the public or reasonably cause them to fear for their safety.

This amendment repeals the move-on order powers in the Crime Prevention Powers Act 1998 and introduces new exclusion powers which are more clearly delineated and clearer about the circumstances in which they will apply. Importantly, the amendments make it clear that an exclusion order can be issued to groups of two or more people and ensures that those who may be subject to an order under this part are aware of their rights and responsibilities.

The bill also expands the categories of offence which are subject to non-association and place restriction orders under part 3.4 of the Crimes (Sentencing) Act. The non-association and place restriction orders will be expanded to apply also to people convicted of certain serious offences such as serious drug offences, serious property offences and ancillary offences such as conspiracy and attempt, meaning that a broader range of convicted offenders may be subject to these orders in certain circumstances.

The bill also introduces, as members have noted, a new bail power of review for the Director of Public Prosecutions in the Bail Act. This power will be available in exceptional circumstances—I want to stress that: exceptional circumstances, not wideranging or common circumstances—and it will be available where the director believes there has been a manifestly wrong decision made in relation to the grant of bail and the consequences of not seeking a review of that grant could have significant potential to negatively affect public safety.

As members have noted, there have been a number of representations about this amendment since the bill was introduced and I know that a number of stakeholders retain reservations and concerns about its use. That said, the government is confident that the Bail Act already appropriately safeguards the rights of an accused in the bail process, and the safeguards in this bill are equally strong.

To ensure, therefore, that the rights of the accused are limited in the least restrictive manner possible, whilst also providing that a bail decision can be reviewed in circumstances where the risk of harm is considered by the DPP to be very real, I am moving a further government amendment to this power that I will shortly outline.

I would make the point, Madam Assistant Speaker, that the accused, under existing bail law, has three standing opportunities to seek review of a decision not to grant bail, two of which can be activated without any additional or new evidence being led. So there is a significant protection for the accused, as there should be in our criminal law, when it comes to the potential to deprive someone of their liberty and detain them in remand.

But at the moment our Director of Public Prosecutions has no capacity to seek a review of a bail decision. What I would ask critics of this proposal is this: are they suggesting that every decision made by a magistrate in relation to a grant of bail is infallible and not potentially subject to error? There are and have been significant adverse circumstances in other jurisdictions where an offender has been released on bail and there have been catastrophic consequences as a result, resulting on occasion in serious injury or death to a third party.

This is frequently, unfortunately, a prospect or a concern that arises in relation to charges around crimes of violence, particularly in the family and domestic violence space. If we are serious about ensuring that there is an adequate capacity to deal with error on the part of our magistrates when it comes to a grant of bail in exceptional circumstances where the risk is real and apparent to either an individual or to the community at large, then this power should be available.

I would say to those opposite and to critics of this proposal: what is the alternative? Yes, the person needs to be detained in custody whilst the review is sought. To do otherwise would defeat the purpose of having the review in the first place. These are the matters that are in play. The government, in its human rights compatibility statement, has outlined very clearly that this is the least restrictive means possible to address the risk that is present. If there is an alternative that does not involve the person being released, then I would like to hear it, but the facts are that no alternative has been presented. Yes, this is a complex and difficult issue, but I am confident that the government has struck the right balance.

The amendments that I will be proposing deal with the issues around the period in which the Director of Public Prosecutions must make an application to seek a review of bail, which will be within two hours of the matter being decided by the magistrate and, secondly, requiring the court to hear that matter within 48 hours, including periods when the court is not sitting.

This is an important safeguard. It means the person will not be held in custody for more than a period that is absolutely necessary. It may put some pressure on the courts to hear the matters quickly but that is as it should be, given that we are dealing with the potential liberty of a person. I am confident that the courts will be able to respond to the timeframes that this bill proposes.

Overall, the bill reflects a measured, contextual and effective approach to addressing serious and organised crime in our city. It also reflects the important fact that we are all entitled and have a human right to feel safe and secure in our city. The government is committed to making certain that our laws give police effective tools to address crime and concerns about public safety, whilst balancing them against the rights of the individual.

I commend the bill to the Assembly.

Question put:

> That the bill be agreed to in principle.

The Assembly voted—

Ayes 14		Noes 1
Ms Berry	Ms Fitzharris	Mr Rattenbury
Dr Bourke	Mr Gentleman	
Ms Burch	Mr Hanson	
Mr Coe	Mr Hinder	
Mr Corbell	Mrs Jones	
Mr Doszpot	Ms Lawder	
Mrs Dunne	Mr Wall	

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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) (11.46): Pursuant to standing order 182A(b), I seek leave to move amendments to this bill which are minor and technical in nature, and I table a supplementary explanatory statement to the government amendments.

Leave granted.

Clause 1 agreed to

Clause 2.

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) (11.46): I move amendment No 1 circulated in my name *[see schedule 1 at page 2385]*.

Amendment No 1 provides that the bail review power provisions in part 2 of the bill will commence on 1 May next year, 2017. This will provide sufficient time for all of the relevant criminal justice agencies to fully understand the implementation issues related to the bail review power and allow sufficient time for the government to consider and address those issues if it is necessary to do so.

MR HANSON (Molonglo—Leader of the Opposition) (11.47): As I indicated, the opposition will be supporting this amendment and any other amendments that are going to be moved by Mr Corbell. But I take this opportunity to reflect on Mr Corbell's actions here in the Assembly today and commend him for them. It is the case that, generally speaking, as people get older they get wiser and often it is noted that they do become more conservative in their approach. That is my experience.

Having dealt with Mr Corbell over a protracted period in this place, I see what he is doing today as sensible. I am not surprised that the Greens are not supporting it, but what I would say is that it does give me some indication as to why perhaps Mr Corbell has been cut by his left faction.

Mr Corbell: Point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Mr Corbell on a point of order.

Mr Corbell: Whilst I am sure Mr Hanson is enjoying this deviation, Madam Assistant Speaker, I take a point of order on relevance. We are in the detail stage of the debate on this bill. It is a specific provision that relates to the commencement of the bill. Mr Hanson does need to remain somewhat relevant to the question before the chair.

Mrs Dunne: On the point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Mrs Dunne on the point of order.

Mrs Dunne: The change in the commencement date has come about specifically as a result of negotiations outside this place. It is well within Mr Hanson's rights to speculate on what those negotiations might be when discussing the change of the commencement date.

MADAM ASSISTANT SPEAKER: Thank you, Mrs Dunne, but I will uphold the point of order. As interesting as the side commentaries may be, Mr Hanson, can you remain on task and be relevant?

MR HANSON: Certainly, Madam Assistant Speaker. Of course, it is relevant to this debate to consider why it is that these laws have been brought before this place today. They are some of the sorts of laws that we in the opposition have wanted to see and they have finally come, I suppose, in the twilight of the Attorney-General's career in this place.

Turning to the commencement date that this amendment makes a change to, at the in-principle stage some concern was raised by Mr Rattenbury about what is not in this

bill, and that is consorting laws. He made a bit of a point about the anti-consorting laws. I would note that that is not part of this bill anymore. That is not one of the amendments. It is interesting, because this is something that, again, has been long argued for on this side of the chamber, the need for consorting laws.

There is advice from ACT Policing that we do need consorting laws in this jurisdiction that are similar to those in New South Wales, that there is evidence that there is an increased outlaw motorcycle gang activity occurring in the ACT as a result of the absence of those laws. We were meant to be debating them today. That was the initial plan, Madam Assistant Speaker.

There was going to be in this place also, as we understood it, a debate on consorting laws. Again, my understanding is that these are laws that the Attorney-General wanted. Certainly that was the indication. That was what was being put forward by the government, that this is something that the Attorney-General actually wanted.

Obviously there have been lots of barneys going on behind the scenes. We have not got everything we want today. But my sense is that the Attorney-General may have eventually come to the realisation—eventually come to the realisation—that these consorting laws that we have been arguing for for a long time actually are necessary.

But you can see what happens in the Labor Party if you get too far towards the sensible centre, if you start to consider the community and what is needed to keep the community safe. What you start to see are the consequences of that. I think the fact that this will possibly be Mr Corbell's last bill or penultimate bill dealing with these sorts of matters in this Assembly gives some indication what happens in the left faction of the Labor Party when you come too close to the sensible centre.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3.

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) (11.53): I move amendment No 2 circulated in my name *[see schedule 1 at page 2385]*. Amendment No 2 is technical in nature. It reflects the fact that the legislation amended by this bill will now include the Firearms Act 1996.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5.

MR RATTENBURY (Molonglo) (11.54): I will be opposing this clause. As I outlined in my earlier remarks, I do not agree with this interpretation of how bail should be dealt with. In his remarks when closing, Mr Corbell said, "What is the alternative approach?" I think the very point is that the court will have just heard the whole discussion about whether somebody is suitable for bail or not. The prosecution will have put their case. The police evidence will have been brought. The defence will have put their case. It is upon the court to take all of that evidence into account and determine whether somebody is suitable for bail. That is a responsibility that the court faces on a regular basis, including with people who are accused at that point of having conducted some horrendous crimes. The magistrate has to weigh up all that evidence and make a decision whether it is suitable to release somebody on bail or not.

The approach being put forward today assumes that within two hours prosecutors will know better than the judge or the magistrate, who has just weighed up all the evidence, and that, somehow, within that two-hour time frame, they believe that there is now something they did not present, I presume. Does it presume additional evidence that was not presented in the immediately preceding bail hearing? Presumably not, because you are highly unlikely to have new evidence within two hours. What it actually points to is that this is simply saying that prosecutors can now decide that they know better than the judicial official who has just made the decision. That is the very essence of why I am opposed to this proposition. I cannot support that position.

The reason I voted against the bill in principle was that this provision and some of the other provisions remain. I do not think they are justifiable and I do not think they stack up very well. It was troubling to vote against the bill in principle because, as I outlined in my earlier remarks, there are some good elements in there and they will go through today. But I think we could have done those elements without bringing forward some of the ones that I have concerns about. Despite the intent of the Attorney-General—and I accept his good intent on this—I think that the way the provisions are constructed is problematic, and this is one of the examples.

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) (11.56): The issue at play here—and it is worth reiterating it—is that it would appear that the position of Mr Rattenbury is that the decision to grant bail is always going to be right but a decision to refuse bail is potentially subject to error and should be subject to review. That is what the law currently provides for. The law currently provides for the accused to seek review of a refusal to grant bail without any new evidence being led. That is the law currently. But why is it the case that the magistrate's decision is infallible when it comes to the decision to grant bail but not infallible and therefore subject to review because there is error if there is a refusal to grant bail?

What the government is saying is that there can be circumstances where magistrates make a mistake. And that mistake may have serious consequences for the safety of an individual or the community at large. In those circumstances—the limited and exceptional circumstances that are set out in this bill, recognising the disproportionate power that the state has in advancing a matter in the court compared to the accused—that decision can be subject to review.

It is not the prosecutor deciding that the person should be retained in custody. It is the prosecutor deciding that there needs to be a review of the decision and seeking that review. That is what this bill is enabling. To portray it as though it is giving power to the prosecutor to determine a matter that is rightly determined by a magistrate is a straw man. It is no different from any other power of review available to prosecutors in other circumstances where they seek that review before another judicial officer or a higher court.

The question at play, of course, is that the person will remain deprived of their liberty for a somewhat longer period whilst that review takes place. What the government is saying, through the amendments that I have outlined, is that that deprivation of liberty should not be longer than 48 hours beyond the original decision to grant bail which the prosecutor has sought review of. That is a proportionate response when you balance it up against the risks posed by the potential release of a person in terms of public safety or individual personal safety. So that is the issue at play.

But I will not accept this absurd argument that magistrates' decisions to grant bail are infallible but magistrates' decisions to not grant bail are potentially prone to error and should be available to be appealed by the accused. Of course they should be available to be appealed by the accused, to seek review by the accused. But also, in certain limited circumstances, an appeal, a review, should be able to be available to the prosecution, and that is what this provision does.

MR HANSON (Molonglo—Leader of the Opposition) (12.00): I support the clause, the reason being that it is a matter of balance. I think that it has been characterised here by Mr Rattenbury and Mr Corbell as black and white. As I said, there are serious issues on both sides to be considered between community safety—and that has been articulated by Mr Corbell—and the rights to liberty once decisions have been made by the magistrate, as articulated by Mr Rattenbury. But it is not as clear or as black and white as I think either is presenting.

What I would say is that there are strong arguments on either side, as there often are in areas like this where the law is complex and the consequences are significant in relation to deciding to keep people in custody or release people on bail where there is a potential that there may be a threat to the community. On balance, given that amendments will be put by Mr Corbell on the time of incarceration, I think that it is right that we err on the side of community safety in this regard, but I do not think it is useful to characterise this as a black and white debate.

Clause 5 agreed to.

Clause 6.

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) (12.02): I seek leave to move amendments Nos 3 to 5 circulated in my name together.

Leave granted.

MR CORBELL: I move amendments Nos 3 to 5 circulated in my name together *[see schedule 1 at pages 2385-2386]*.

Amendment 3 changes the time within which the Director of Public Prosecutions must make an application for a review of a bail decision. This includes providing written notice in the Supreme Court and to the accused person that an application has been made. The amendment requires the application to be made within two hours after the initial bail decision is made. If the bail decision is made between 4 pm on a day and 8 am the next day the application must be made by 10 am on that day.

Amendment 4 is similar to amendment 3 in that it shortens the time frame within which a decision on the bail review application must be made. Previously the bill proposed that a bail decision would be stayed for 72 hours after the oral notice was given by the Director of Public Prosecutions. This time period has been shortened to 48 hours.

Amendment No 5 provides a key change to the nature of the bail review power as has been introduced. It removes section 44(6) from the bill, which stated that the period of time a bail decision was stayed was to be worked out ignoring any day when the Supreme Court was not sitting. Amendment 5 ensures that the period of time from when the oral notice is given by the Director of Public Prosecutions until the stay ends is now 48 hours, inclusive of any day the Supreme Court is not sitting. Amendment 5 addresses the concerns raised by a number of key stakeholders about the potential for this provision to negatively impact on the rights of the accused who would be detained for an overly long stay period.

MR HANSON (Molonglo—Leader of the Opposition) (12.05): As I indicated before, we will be supporting these amendments. They go some way to addressing concerns that have been raised by various people such as the Law Society and the Bar Association. I do not think they fully meet those concerns but they certainly attempt to strike a balance that does address some of those concerns. The Canberra Liberals will support the amendments.

MR RATTENBURY (Molonglo) (12.05): I will be opposing these amendments.

Amendments agreed to.

Clause 6, as amended, agreed to.

Proposed new clause 6A.

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) (12.06): I move amendment No 6 circulated in my name which inserts a new clause 6A *[see schedule 1 at page 2386.]*.

Amendment 6 inserts a review provision into the bill in relation to the bail review power. The government has determined that it would be reasonable to provide for a

statutory review of the operation of the power as soon as practicable after the end of its second year of operation, with that report of the review to be presented to the Assembly within six months after the day that the review is commenced. This will allow stakeholders to contribute to and review the operation of the power and ensure that it is being used appropriately.

Amendment agreed to.

Proposed new clause 6A agreed to.

Clauses 7 and 8, by leave, taken together and agreed to.

Clause 9.

MR RATTENBURY (Molonglo) (12.07): I will be opposing this clause.

Clause 9 agreed to.

Clause 10.

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) (12.08): I move amendment No 7 circulated in my name *[see schedule 1 at page 2386]*.

Amendment 7 inserts a new provision into the exclusion order powers to exclude certain activities being subject to an exclusion order. This amendment provides that exclusion orders do not apply to a person who is picketing a place of employment or demonstrating or protesting about a particular issue. They also do not apply to a person who is speaking, bearing or otherwise identifying with a banner, placard or sign, or otherwise behaving in a way that is apparently intended to publicise the person's views about a particular issue.

This is an important amendment. It replicates the provisions in the Crime Prevention Powers Act 1998 which also exempted this type of activity being subject to the exclusion order powers. It gives continuity with the previous move-on powers scheme by providing that a police officer will not be able to issue an exclusion direction where a person is engaged in what can only be characterised as legitimate public conduct. Demonstration and expression of political or philosophical opinion should be protected as part of protection of freedom of expression and also freedom of political activity, and this provision clarifies and maintains the existing protections that exist in the law.

Amendment agreed to.

MR RATTENBURY (Molonglo) (12.10): I move amendment No 1 circulated in my name *[see schedule 2 at page 2387]*.

Although I do not support the expanded NAPRO move-on powers, I do see that they were passed with the support of other members, regardless of the concerns that I had raised. I do reiterate my comments that I made about the potential broader application of NAPROs and move-on powers, their disproportionate impacts on vulnerable groups and the fact that this is exactly what has happened in other jurisdictions repeatedly.

The amendment I am moving calls for the gathering of data. It would at least require the government to monitor and report on the use of these powers. They will have to provide yearly reports on the use of the new powers detailing the number of times the powers are used, the type of behaviour or offences they are used for and the number of uses that relate to young people and Aboriginal and Torres Strait Islander people.

This way we will at least know if they are being used to address issues of serious organised crime, which is what their stated intention is, or if in fact they are being used for other purposes. If they are being used for other purposes we will see the data and we will be able to assess as an Assembly whether we are satisfied with the impacts they are having. Are they running counter to our desire to support vulnerable groups, to recognise their different needs and the value of diverting them from the criminal justice system? If we do not have this data, we simply will not know that. If as an Assembly we are prepared to put these powers in place we have to at least be accountable to ourselves to check that the data shows they are being used in a way that was intended and not in the unintended way that we have seen in other jurisdictions.

I do not think anybody here intends it to be the case that we see more young people, more Aboriginal and Torres Strait Islander people, more homeless people being picked up on the street and finding themselves charged with new offences. I accept that this place does not intend that but unfortunately what we have seen in other jurisdictions that have used similar powers or implemented similar powers is that that is how they are used.

We must at least hold ourselves accountable in this place to have the data so that in a year's time, two years time, three years time, we can honestly come in here and have the discussion, "Actually, it did turn out like other jurisdictions," and then we can have a genuine debate about whether we need to remove these powers or further adjust them to make sure they are delivering what we intended, not the unintended consequences. I implore members to support this amendment so that we can have that evidence-based discussion down the line.

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) (12.12): The government will not be supporting Mr Rattenbury's proposed amendments to the bill. While the government accepts the merit of the proposals, the advice from police, law courts and tribunal administration is that it is not a feasible proposal at this time. In relation to exclusion orders, while police must make a record of any orders issued, this record may be taken in an officer's individual notebook rather than captured on a central information system. In

addition, given that officers cannot ask for identification in issuing an exclusion order, being able to discern whether a person is a young person or an Aboriginal or Torres Strait Islander person is not realistic in all cases.

Systems used by our courts and tribunals to record data on sentencing matters equally do not currently have the capability to capture data about non-association and place restriction orders, or NAPROs. While information is recorded about intensive correction orders and good behaviour orders, which are the precursor sentences to a NAPRO, the ICM system the courts are currently implementing will not become operational until 2018 on the current implementation schedule. However, the government can explore capturing this data once the ICM system is operating.

In terms of whether data can be gathered in relation to a person's Aboriginal or Torres Strait Islander status, courts are meeting with the Australian Federal Police this week to discuss the possibility of receiving this specific data as part of the initial charge transfer between their systems. However, it is important to note that this specific information is only available if it is volunteered by the offender, and there are those who may not wish to identify at the point of contact with the police.

Based on these factors, the practicalities of this amendment mean that the government cannot support it at this time. However, I have asked the Justice and Community Safety Directorate to continue consultation with police, the courts and tribunal administration to determine how best to capture this data in the future so a reporting requirement can be further considered at a later date.

MR HANSON (Molonglo—Leader of the Opposition) (12.15): I have some sympathy for the amendment that has been proposed by Mr Rattenbury but, having had conversations between my office and the Attorney-General's, I accept the government's advice that this is impractical at this stage. I certainly concur that these powers should not be used inappropriately and that they have a specific purpose. While I understand the evidence for it, I have been advised that in other jurisdictions there has been some inappropriate use of move-on powers and the like. However, I note that some of those instances are somewhat specific to those jurisdictions and what might be happening elsewhere in Australia is not necessarily relevant to what is happening in the ACT.

More broadly, I again express frustration with the inability of JACS to provide some of the data that would be useful for monitoring what is going on on the ground when it relates to police or the courts. As I said previously it has now been five, six, seven years—I cannot recall quite how long—that we have been asking for up-to-date information in relation to offences committed while people are on bail—another issue that is dealt with in this particular bill—and are told, "We'll be able to do that when we get our new ICM system." That has been the answer we have heard for a number of years, and that is frustrating.

Mr Rattenbury wants particular information on this, and that is fair enough, and I want particular information on other measures and we are being told it is not available. I have to accept that advice; I do not want to legislate for something that is just simply impractical and cannot take appropriate effect on the ground. But I acknowledge the

fact that we want to make sure that these powers are used appropriately, and I again express my frustration that what should be reasonably useful reporting to this place and others in the community is not available. It makes it more difficult when we get to this place to debate the requirement for and necessity of the new laws.

MR RATTENBURY (Molonglo) (12.18): This is very unsatisfactory where we have seen a situation in Queensland, for example, where Indigenous youth receive 37 per cent of the move-on directions even though they account for only four per cent of the population. To say that something like that is specific to another jurisdiction belies the fact that in the ACT we see the same overrepresentation of Indigenous people in our criminal justice system. It is perhaps not as high as somewhere like Queensland or the Northern Territory but, nonetheless, 22 per cent of people in our jail are Indigenous despite them representing somewhere around two per cent or less of the ACT population. That is wildly out of proportion.

These are the sorts of offences that produce those kinds of outcomes; not exclusively, but they certainly add to it. At a time when we should be seeking to go in the other direction I think this is entirely unsatisfactory. I struggle with the idea that we are prepared to put the law in place but it is not feasible at this time, as the attorney put it, to monitor the impact of the law.

I agree with Mr Hanson; I think it is in the entire time I have been in Assembly that there has been a range of areas where our data around criminal justice issues is unsatisfactory. I acknowledge that a budget has now been put in place, and I welcome the fact that the attorney and the government have done that to have better data collection systems. This continues to be a problem in the corrections space as well, and I must acknowledge that given my own portfolio responsibilities. But to have these shortcomings in data where we cannot even monitor whether these sorts of laws will be implemented as intended is entirely unsatisfactory. It is one of the key reasons I cannot support this bit of the legislation going forward.

Question put:

> That **Mr Rattenbury's** amendment No 1 be agreed to.

The Assembly voted—

Ayes 1	Noes 14	
Mr Rattenbury	Ms Berry	Ms Fitzharris
	Dr Bourke	Mr Gentleman
	Ms Burch	Mr Hanson
	Mr Coe	Mr Hinder
	Mr Corbell	Mrs Jones
	Mr Doszpot	Ms Lawder
	Mrs Dunne	Mr Wall

Question so resolved in the negative.

Amendment negatived.

Clause 10, as amended, agreed to.

Clause 11

MR RATTENBURY (Molonglo) (12.23): I will be opposing this clause.

Clause 11 agreed to.

Clauses 12 to 28, by leave, taken together and agreed to.

Clause 29

MR RATTENBURY (Molonglo) (12.24): I also oppose this clause.

Clause 29 agreed to.

Clause 30

MR RATTENBURY (Molonglo) (12.24): I am opposed to this clause as well.

Clause 30 agreed to.

Proposed new part 7A

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) (12.25): I move amendment No 8 circulated in my name *[see schedule 1 at page 2386]*. Amendment 8 inserts new part 7A which amends the Firearms Act to clarify that imitation firearms are prohibited firearms. This is the case regardless of whether the item is capable of discharging a projectile.

New section 23A outlines this noting that it is subject to three factors: the registrar must not issue a licence for the possession or use of an imitation firearm except to a firearms dealer; the registrar may issue a permit for the possession or use of an imitation firearm; and an imitation firearm is not required to be registered.

Amendment 8 clarifies that for the purposes of the act an imitation pistol is taken to be a pistol and an imitation prohibited firearm is taken to be a prohibited firearm. Amendment 8 inserts a new definition of "imitation firearm" into the dictionary of the Firearms Act stating that it is something that:

> regardless of its colour, weight, composition or the presence or absence of moveable parts, substantially duplicates in appearance a firearm but is not a firearm;

The definition also provides that an imitation firearm does not include a children's toy, something prescribed by regulation not to be an imitation firearm or something declared not to be an imitation firearm under section 31 of the act.

Amendment agreed to.

New part 7A agreed to.

New clause 30A

MR RATTENBURY (Molonglo) (12.26): I move amendment No 2 circulated in my name which inserts a new clause 30A *[see schedule 1 at page 2386]*. Similar to the last discussion about the collection of data on the move-on powers, this one relates to the NAPRO, the non-association of place restriction order. It requires similar data about how many orders have been made in total, how many orders have been made in relation Aboriginal and Torres Strait Islander people and young offenders and the kinds of offences the orders have been made in relation to. As I articulated previously, it is important that we gather this data to check that the laws are being used as they are intended.

Amendment negatived.

New clause 30A negatived.

Clause 31

MR RATTENBURY (Molonglo) (12.28): I will be opposing this clause.

Clause agreed to.

Title agreed to.

Bill, as amended, agreed to.

Sitting suspended from 12.28 to 2.30 pm.

Questions without notice

Trade unions—royal commission

MR HANSON: My question is to the Chief Minister. In late 2015, the trade unions royal commission made a number of referrals regarding the ACT CFMEU and associated entities, including the Tradies club. What progress has the ACT government made in responding to these referrals?

MR BARR: Those referrals have been referred to appropriate areas for the appropriate response.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, will you or one of your ministers report to the Assembly before the close of the final day of this term of the Assembly with more detail about your government's progress in responding to these referrals?

MR BARR: Certainly the government can provide an update in relation to those matters, most of which are administrative in nature. We can do so in due course. I cannot commit to a time frame on that—certainly not by the end of next week—but I will take some advice in relation to when I can update the community on those matters.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, how long will it take the government to consider all the referrals made by the royal commission and to act on them?

MR BARR: As I said in response to the previous question, I will take advice on that question.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Chief Minister, have Labor powerbrokers such as Dean Hall taken any action to persuade the government not to act or to delay action on the referrals? If so, what was the government's response?

MR BARR: No.

Crime—Tharwa village

MR JEFFERY: Madam Speaker, my question is directed to the Minister for Police and Emergency Services. Minister, are you aware of the drug dealing and hooning that takes place around the Tharwa bridge?

Mr Corbell: I am sorry; could I ask Mr Jeffrey to repeat the question?

MADAM SPEAKER: Could you repeat the question, Mr Jeffrey. Mr Corbell did not hear you.

MR JEFFERY: I am sorry, Madam Speaker; I have a little bit of difficulty hearing.

MADAM SPEAKER: So did Mr Corbell, apparently! Could you repeat the question, please.

MR JEFFERY: My question is directed to the Minister for Police and Emergency Services. Minister, are you aware of the drug dealing and hooning that takes place around the Tharwa bridge, particularly at night time?

MR CORBELL: I thank Mr Jeffrey for his question. Yes, I am familiar with the fact there have been complaints from time to time in relation to antisocial behaviour and assertions and concerns about trading in illicit drugs in the Tharwa village area. The advice I have is that the Tuggeranong police station, which is responsible for patrolling that area, has take a range of steps to try to address a range of concerns and that they will continue to undertake proactive patrols in the Tharwa area, particularly in relation to antisocial driving and drug offences.

I can advise Mr Jeffrey that during the 2015-16 financial year ACT Policing conducted 70 proactive patrols in the Tharwa area. They detected four drug incidents, all of which were for cannabis use. They undertook 19 targeted traffic patrols, including random breath testing operations and policing of the school zone. Between 1 January 2014 and 31 July this year there were a total of 44 offences reported to police in Tharwa. Over a period of two years—indeed, 2½ years—there have been a total of 44 offences reported to police in the Tharwa area. During the same period police issued five traffic infringement notices and 16 traffic caution notices.

I can assure Mr Jeffrey that ACT Policing take concerns in the Tharwa area seriously. That is reflected in the significant number of proactive patrols they have undertaken. I am confident they will continue to pay close attention to these matters.

MADAM SPEAKER: A supplementary question, Mr Jeffery.

MR JEFFERY: I ask why are there not more police patrols and more activity from the rangers in the parks in relation to this.

MR CORBELL: I can advise Mr Jeffery—and I thank him for his supplementary—that the ACT Policing rural patrol does work very closely with ACT and New South Wales parks and conservation officers to address concerns that affect the rural community in the Tharwa area, including matters such as illegal hunting, dumping, sheep and cattle docking and unauthorised access to nature reserves as well as private property. It is the case that our rangers are out in the Tharwa district each and every day.

In addition, I have outlined to Mr Jeffery, through you, Madam Speaker, that there are a very large number of proactive patrols by our police: just in the last financial year, 70 prime targeting or proactive patrols. That is in addition to requests for police attendance from the public. Only four drug incidents were detected during that time. In addition, there were nearly 20 patrols targeting traffic and random breath testing in the Tharwa area.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, how does the number of proactive patrols and other activities in the Tharwa area compare to the number of proactive patrols and other activities in other suburbs and townships in the ACT?

MR CORBELL: I am advised that there are approximately 66 residents in the Tharwa village, so we have actually undertaken more proactive police patrols than there are residents of the Tharwa village over the past 12 months. I think that would compare very favourably with many other parts of the city.

MADAM SPEAKER: Ms Lawder, a supplementary question.

MS LAWDER: Minister, what further steps will you take to eliminate some of the hooning and antisocial behaviour, including restriction of access to the areas beneath the Tharwa bridge?

MR CORBELL: I thank Ms Lawder for her supplementary. Access to the area under the Tharwa bridge is not a matter that falls within my portfolio responsibilities. But in relation to policing functions, I can assure Ms Lawder and those opposite that ACT Policing will continue with the proactive approach they have demonstrated to date.

Seniors—rates impact

MRS JONES: My question is to the Treasurer. Treasurer, I refer to a letter to the editor in the *Canberra Times* of 4 August 2016 from a Campbell resident. The resident says, "My rates have increased by 14.9 per cent in the last year. By contrast, my superannuation income which is indexed according to the CPI has increased by 1.3 per cent." Minister, how are people on fixed incomes such as self-funded retirees coping with rates increases that are so high?

MR BARR: The government recognises the need to keep taxes and charges as low as possible and when benchmarked against other jurisdictions in Australia, the ACT has below-Australian average levels of taxation per capita.

Mrs Jones: Rubbish.

MR BARR: No, that is an ABS fact. You are entitled to your own opinions, Mrs Jones, but not to your own facts. Let me be very clear—

Opposition members interjecting—

MADAM SPEAKER: Order!

MR BARR: ACT per capita taxation at $3,524 is below the Australian average of $3,755.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what analysis has the government done on the impact of its rate increases on senior Canberrans, in particular self-funded retirees?

MR BARR: The government has analysed the impact of revenue increases and service increases through its annual budget process.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Treasurer, how many senior Canberrans have applied to defer their rates in effect to their estate since the start of the so-called rates reform process?

MR BARR: I do not have that number immediately at hand, but it is a very sensible option for some and would ensure that as the value of their estates grows they are able to try to enhance their current income in current times and ensure that against a growing asset value, namely their estate, they can defer those charges. That is a very sensible and useful scheme for many Canberrans. I will check with the Revenue Office as to how many have taken it up.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Treasurer, where does the ACT rank with regard to household levies or rates compared to other jurisdictions, as an average?

MR BARR: The ACT's per capita taxation of $3,524 is below the average across Australia, at $3,755, and below that of New South Wales, Victoria and Western Australia.

Mr Doszpot: Rates.

MR BARR: The point that may have escaped those opposite is that rates in the ACT fund more than municipal services because our government provides municipal and state-level services. So the only comparison is the per capita levels of taxation by state and territory governments.

Children and young people—advocacy and engagement services

MS BURCH: My question is to the Minister for Children and Young People. Minister, can you outline for the Assembly the important role that advocacy and engagement services play in a step up for our kids?

DR BOURKE: I thank Ms Burch for her question and the ongoing interest in children and young people. I am pleased to talk to the Assembly today about the new advocacy and engagement services introduced as part of the step up for our kids reforms taking place in the out of home care sector. Launched in January 2015, a step up for our kids is the government's five-year strategy to reform the out of home care system in the ACT.

A step up for our kids represents an additional $16 million investment in the future of our most vulnerable children and young people. It is about breaking the intergenerational cycle of disadvantage and keeping children safe at home. The aim of a step up for our kids is to create a system of care that delivers better outcomes for our community's most vulnerable children and young people. It is about creating a system of care which is informed by the traumatic experiences of young people and children and which places their needs at its centre.

Through the implementation of a step up for our kids we have commissioned a range of services in partnership with community care and protection organisations to deliver a new care system which provides a long-term stable care experience for vulnerable children and young people and gives them the best possible chance at having a positive future.

The new advocacy, support and engagement services are important components of this new service system. They are crucial to how we better respond to the needs of young people and children, their families and foster and kinship carers. These services, delivered at arms-length of both government and non-government service providers, will provide independent autonomous support to those central to the care

system and it is an important part of the design for a robust and accountable care system. The voice of children and young people in care is central to the intent of a step up for our kids and key to ensuring that they are a part of building a system that better meets their needs.

The children and young people engagement support service will provide a mechanism to listen to and engage with children and young people who have had a care experience. The aim of this service is to encourage and support children and young people to participate in the decisions that affect their lives, build their self-esteem and confidence, and teach them skills that enable their voice to be heard. A tender process for this service is being finalised and it is expected that it will be operating later this year.

The birth family advocacy service provides support, information and advice to birth parents of children in care or of children at risk of entering care. It aims to empower parents to effectively and in an informed way understand and participate in child protection processes. The service, operated by the Australian Red Cross, commenced in December 2015 and has already had a positive impact on birth families, having accepted over 80 referrals, 23 of which have been clients who identify as Aboriginal and Torres Strait Islander.

The new advocacy support for foster and kinship carers will also provide support and advice to assist kinship and foster carers in their caring role. The service will advocate on behalf of foster and kinship carers and their families and provide the mechanism to support and empower them to resolve issues. It will also help to form strong working partnerships with government and non-government organisations in support of good decision-making focused on children and young people in care. This service, operated by Carers ACT, will commence operation later this month.

These innovative services are a crucial part of the system reform and are key to how we transform the way we support and respond to the needs of children and young people, vulnerable families and foster and kinship carers. We are building a service system that will improve the education, health, employment and social outcomes of our most vulnerable children and young people, giving them every chance of a happy and productive future.

MADAM SPEAKER: Supplementary question, Ms Burch.

MS BURCH: Minister, can you provide further details on the carer advocacy and support service?

DR BOURKE: Foster carers and kinship carers are the backbone of our out of home care system. Carers open their hearts and their homes to our most vulnerable children and young people. Under a step up for our kids we recognise that carers are central to the provision of a therapeutic trauma-informed system of care. Consideration and support for carers is an important part of how we support carers in their caring relationship.

The advocacy support service for kinship and foster carers will play a valuable role in assisting carers with their interactions with out of home care service providers, child and protection services and other related organisations. The primary role of the advocacy support service for kinship and foster carers is to advocate on behalf of foster and kinship carers and their families and to form strong working partnerships with government and non-government organisations in support of good decision-making focused on children and young people in care.

This independent service will be at arm's length from government and out of home care providers and aims to provide a mechanism to support and empower foster and kinship carers in resolving difficult issues or conflicts. This service is the first of its kind in the ACT, as there is currently no existing funded or integrated foster and kinship carer advocacy program.

I was pleased to announce in late July Carers ACT as the new provider of this service. Carers ACT is a well-established community organisation in the ACT with over 20 years experience in providing support services to carers and caring families. The advocacy support service for kinship carers and foster carers will be formally launched on 26 August.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, what benefit will the birth family advocacy support service bring for birth families involved in the child youth protection system?

DR BOURKE: Since its establishment in December 2015 the birth family advocacy support service has already had a positive impact, having assisted over 80 clients in their interactions with the care system. Many of these families have experienced constructive outcomes, particularly around improved communication and relationships with child and youth protection services.

The service has provided practical support to parents, including the following: understanding of child and youth protection case processes, attendance and support at meetings, support in preparing for meetings, support in court, understanding court processes, understanding documentation, particularly affidavits and child protection assessment reports, understanding processes to appeal decisions and orders and of course understanding their rights. As I have said before, 23 of the clients of that service have identified as Aboriginal or Torres Strait Islander.

Red Cross has made significant efforts to engage with the local Aboriginal and Torres Strait Islander community by establishing positive relationships with the community organisations and programs, including the growing healthy families program based at the Tuggeranong Child and Family Centre and the Yurauna Centre at the Canberra Institute of Technology. In addition, the birth family advocacy support service has an identified a Aboriginal and Torres Strait Islander staff position; this position is currently held by a Murrai woman who has strong ties to the local Canberra community.

I look forward to providing updates on the birth family advocacy support service and the great work that Red Cross do with parents in the care system.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, can you provide further information on the child and youth engagement service and how children and young people will benefit from this service.

DR BOURKE: A step up for our kids is emphatically about being focused on the child and the young person, and we will recast services around the needs of children and young people, placing their voice at the centre of the care system. The aim of the children and young people engagement support service is to embed a culture that is child focused and responsive to those individual needs of those children and young people.

The child and young people engagement support service will provide a mechanism to engage with children and young people who are in the care system or who have left the care system. It also will provide information and a support network for those children and young people. This service is not an advocacy service for children and young people but will align and work with existing advocacy service providers in the ACT. Engaging children and young people through this new service will support their right to be listened to, to be respected and to participate in decisions that affect their lives. This service will promote self-esteem and confidence building activities and encourage participation in supportive peer groups and community life.

The service will also have a particular focus on engaging with and supporting young people during their transition from the care system. I am pleased to note that the tender process for the children and young people engagement support service is near completion and the service is expected to commence shortly. I look forward to making an announcement about the service provider for this service in the near future.

Government—integrity

MR COE: The question is for the Chief Minister. On 1 August the *Canberra Times* reported that Minister Rattenbury stated about the ACT government, "People do have concerns in the community, you do hear rumours around town," in reference to corruption and other essential misconduct. Has Minister Rattenbury raised any concerns about corruption, corruption by either ACT government ministers or officials, with you? If so, what has been your response?

MR BARR: No.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, have Mr Rattenbury or other Greens officials raised concerns about government corruption with you or other government ministers, your office or senior government officials before July 2016?

MR BARR: No, not that I am aware of, no.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Chief Minister, what allegations of fraud or corruption have been reported or exposed within your government, and how have directorates dealt with them?

MR BARR: In terms of low-level issues within directorates, there have been some issues that have attracted media attention in recent times in relation to certain ACT government employees and they have been dealt with according to the appropriate laws of the territory.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, what responsibilities does a minister have under the ministerial code of conduct to act on reports of possible misconduct when he or she becomes aware of it?

MR BARR: In accordance with the code and the various laws of the territory.

Alexander Maconochie Centre—fires

MR WALL: My question is to the Minister for Corrections. Minister, are you aware of any incidents of fire breaking out inside the Alexander Maconochie Centre over the past 24 months? If so, how many fires and how were these graded in terms of severity?

MR RATTENBURY: Yes, I have received reports on at least one occasion of detainees lighting a fire inside the AMC. In terms of the details of Mr Wall's question, I will need to take that on notice and give him the information at a later point in time.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, was any damage incurred at the prison as a result of the fire?

MR RATTENBURY: I will check the records, but certainly my recollection of the discussion with Corrective Services was that there was no significant damage and that the fire was quite small. I will check the details and come back, but I have no recollection of major damage. It was all quite minor.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how many staff and/or prisoners were affected by the fire, and did anyone require medical attention as a result?

MR RATTENBURY: I would be interested in what Mr Doszpot means by "affected", but I can get information on whether anybody was injured or not.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how is it possible that any incidents of fire are occurring at the ACT's jail under your watch given that lighters, accelerants and matches are all classified as contraband and prohibited items at the jail?

MR RATTENBURY: It is the case that some of our detainees are quite ingenious and find ways to set fire to things—through the stripping of electrical cables and other sorts of matters. When I give Mr Wall the information he has asked for, I will also seek to provide details to Mr Doszpot of how those fires were started, if such information is available.

Planning—proposed new suburb of Thompson

MS LAWDER: My question is to the Minister for Planning and Land Management. In early March this year a *Canberra Times* article quoted you as raising the prospect of a new suburb in Tuggeranong with the proposed name of Thompson. Minister, will the government be going ahead with this suburb?

MR GENTLEMAN: I thank Ms Lawder for her question. At this time the government has announced that it is investigating the opportunity and wants to talk to the community about the options for a new suburb in west Greenway. We have gone through the initial part of consultation on the new suburb in electronic format and we have now appointed a community reference investigator to talk to individuals in the community, and stakeholder groups, about the options for a new suburb in Tuggeranong. It has not been reported back to me yet as to the discussions. It is still an ongoing process. It will be up to the views of the community. Of course, in any assessment with regard to environmental protection, as I have said to the public on many occasions, it is very important that we protect biodiversity across the ACT and ensure that if any development does go on in western Greenway those environmental aspects of it are secured. Of course, there would be strategic and environmental impact statements and assessments done as well.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, what is the range of environmental factors being considered by the government?

MR GENTLEMAN: There is quite a detailed range of environmental aspects, to do particularly with the river corridor and particular animals, flora and fauna, in that area. And, of course, legislation on any endangered species and the commonwealth's environmental protection and biodiversity act would need to be adhered to as well.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, have previous development requests in this area been rejected because of bushfire risks? If so, how does the government now justify further residential development in this area?

MR GENTLEMAN: As with every development we do across the territory, we look at all of the aspects of risk for the territory, be it bushfire risk or environmental risk, and judge those in accordance with community views as well. All of those will be taken into account. We are looking for stakeholders to engage with our expert coordinator and put forward their view so that we can understand which way the community would like to go.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Again I will ask the previous question: have previous development requests in that area been rejected because of bushfire risk? Further, are environmental considerations the only determinants for whether this suburb proposal goes ahead or will community views be considered?

MR GENTLEMAN: I am not aware of any previous applications for that area being rejected for bushfire risk, but I will take that on notice and do some research for Mr Wall. Indeed, community views are very important, and that is why we have gone out at the very earliest stage to gauge the community's response to any option for residential in the area.

Land—block 24, city

MR DOSZPOT: My question is to the Chief Minister regarding LDA acquisitions. Chief Minister, your planning and development land acquisition policy framework direction states:

> I direct the Land Development Agency to act in accordance with the principles of the Land Development Agency—Land Acquisition Policy Framework, attached as a Schedule to this Instrument, when exercising the Agency's functions under the Planning and Development Act 1997.

It goes on to say that the land acquisition policy framework clearly states:

> All proposed acquisitions are to be assessed against the principles and associated tests provided in the Land Acquisition Policy Framework. All tests must be followed for an acquisition.

The policy also states for all acquisitions below $5 million:

> … agreement by the LDA Board with advice to the Minister for Economic Development or the Minister responsible for administering Chapter 4 of the *Planning and Development Act 1997*.

My question is quite simple: did the LDA board give approval before the LDA acquired the land next to Glebe Park, block 24 section 65 in the city?

MR BARR: Yes. The board provided a delegation to the Chief Executive Officer of the Land Development Agency in relation to the city to the lake project. The various issues associated with that project have been discussed at board level over a number of years.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, are you satisfied that this purchase was legal, and what efforts have you made to investigate this once concerns were raised by the opposition?

MR BARR: Yes, the advice I have is that the chief executive was acting in accordance with his delegations associated with the city to the lake project, that he had board authorisation in relation to the matter and that he reported the acquisition to the board. These issues have been extensively canvassed through the estimates process and otherwise, and I have no reason to think at this stage—subject to any further information being provided to me—that the chief executive of the LDA has acted in any way beyond the delegations that he has in that role.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, on what date was block 24 section 65 in the city brought into the project business case for city to the lake?

MR BARR: I do not have that information in front of me. I will take that on notice.

MADAM SPEAKER: A supplementary question.

MR COE: Chief Minister, did the government purchase this land to facilitate future use by the casino? What rights or options does Aquis have, or has had, regarding this block?

MR BARR: No, the government purchased the block primarily for the purpose of stormwater management.

Mr Coe interjecting—

MR BARR: However, as I understand it, it has been the subject—

Mr Doszpot interjecting—

MADAM SPEAKER: Order! I would like to hear the Chief Minister, Mr Doszpot, and Mr Coe.

MR BARR: of public commentary; elements of that block are adjacent to the National Convention Centre and the existing casino lease.

Transport—light rail

MR HINDER: My question is to the Minister for Planning and Land Management. Minister, can you please outline your recent announcement of the consultation findings on the light rail network?

MR GENTLEMAN: I thank Mr Hinder for his question. On 21 July Minister Fitzharris, as minister for Transport Canberra, and I, in my role as Minister for Planning and Land Management, announced the findings from the consultation on the light rail network plan, together with recent consultation findings on the community's views on our current bus transit system, titled *Canberra moving: what you have you told us*. I hold specific responsibility for the light rail network consultation which plans the future potential light rail corridors.

The consultation was a great success and has been seen as the next step in the planning, construction and delivery of a fully integrated transport system for all Canberrans. The consultation took in all parts of Canberra, with almost 900 people involved in the consultation both online and through face-to-face meetings in late 2015. It was clear from the consultation that the community is excited about the future planning of light rail and is aware of the many benefits that such a project can bring.

As part of building an integrated transport network, the report was released jointly with a report discussing people's views on our current public bus transit system. These two consultations, with more than 5,000 responses, have been important in informing the government on the community's view on how light rail and our existing bus services can work together to ensure the best outcomes for residents. It outlines how people will be able to use multi modes of transport to effectively and efficiently make their daily commutes.

From the consultation, the Planning and Environment Directorate has now been able to fully collate consultation and expert knowledge within the ACT government, leading to the creation of four priority routes for the next stage of the capital metro project, linking the existing stage 1 route with the airport, Belconnen, the parliamentary zone and Woden. All four of these routes have significant positives, with future development, better connections and more active and livable precincts being just a few of the potential benefits for the community.

Studies have indicated that more than 400,000 people will be living in Canberra by the end of this year. Population is set to increase by a third by 2035, to approximately half a million people, with 600,000 in the greater ACT area. So it is important that we as the ACT government plan now for that future growth, which is why we are looking at our light rail network and where it can go next while ensuring that the whole community can experience its benefits in planning a better city. The ACT government is currently undertaking a more detailed analysis of all four preferred routes before making an announcement later this year on the next steps in developing a city-wide light rail network.

I look forward to continuing to update the Assembly on the positive steps being taken within planning to provide a fully integrated transport network with appropriate development and facility linked by the network.

MADAM SPEAKER: Supplementary question, Mr Hinder.

MR HINDER: Minister, how will the consultation be used to inform further decisions on delivering the light rail project to Canberrans?

MR GENTLEMAN: I thank Mr Hinder for his question. The light rail network plan builds on the transport for Canberra rapid frequent network and provides a vision and strategy for growing Canberra around a city-wide light rail network beyond the city to Gungahlin. As such, the plan will be used to inform decision-making for future light rail stages.

The multi-criteria assessment framework used to inform the light rail network plan can be used as a high-level guide to consider future light rail corridors and their relative performance. The light rail network plan considers not only how a stage might benefit the light rail part of the public transport network but also how it could improve the public transport network as a whole.

It looks at how all of Canberra's transport modes can be integrated to provide a flexible and easy whole-of-journey transport experience. It is important to note that this work is not done in isolation. Creating planning documents like this moulds and shapes our future developments and decisions, with full community and expert panelling done on these routes.

We are now able to further investigate these four routes for pre-feasibility studies to make sure we continue to make the best planning decisions to provide benefit to the whole Canberra community for many generations to come.

MADAM SPEAKER: Supplementary, Ms Burch.

MS BURCH: Can you inform the Assembly about what routes were found to be possible for the next step of the light rail project, with a particular interest in south of the lake, possibly to Tuggeranong?

MR GENTLEMAN: I thank Ms Burch for her interest in Tuggeranong and the south of Canberra. Respondents to the light rail network consultation advised that reducing dependency on cars and increasing public transport use should be the top priorities when considering the light rail network extensions. As such, the primary reason people supported their preferred corridor was to improve the integration and efficiency of the transport network and to better service employment centres.

From the proposed corridors the community has now narrowed down the next stage options to four. These include Woden, where support for this option was driven by the strong benefits of a north-south Canberra connection and the opportunities it would deliver for the revitalisation of the Woden town centre. Another option is to the airport. The community indicated that an airport light rail connection was a priority to support tourism and to service the economic and employment centres of the airport precinct.

I know that you would be interested in Belconnen, Madam Speaker. A Belconnen light rail connection was seen as a priority to improve connections to higher education, health services and sporting facilities and to reduce congestion on Barry Drive. The fourth option is a light rail connection to the parliamentary zone, which is an important hub for employment and tourism. Its location provides a strong public

transport connection to the rest of the Canberra network. Connecting light rail to this important zone south of the lake also opens up future corridors in Canberra's south and will help to link north and south as a truly connected city.

The ACT government will now conduct feasibility studies on these routes before making the selection of stage 2 later in the year.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Minister, what would be the broader benefits to the community from the possible next steps outlined in the plan?

MR GENTLEMAN: The next steps of the light rail network plan will benefit the Canberra community by planning for improving public transport for all Canberrans, reducing car dependency, revitalising urban centres and active lifestyles, increasing economic activity, and more environmentally responsible transport options.

The light rail network will create high-quality, high-capacity, frequent and reliable public transport in Canberra's most popular public transport corridors. It will free up buses, providing better services across the rest of the city. Those key corridors yet to transition to light rail will have improved bus services to support their transition to light rail over time. This means that every future light rail network corridor will have high-quality public transport even if they are not yet serviced by light rail.

Reducing Canberra's high level of car dependency will provide high-quality public transport and reduce congestion pressure. It will give people a better alternative to driving their car whilst creating significant commercial opportunities near light rail stops, taking advantage of passenger traffic and increased housing density nearby, to grow and diversify the economy.

Light rail will encourage a higher proportion of Canberra's population growth in centres and public transport corridors, which helps our local economy, health and wellbeing. Quality public transport connections will support the renewal of the city, town centres and other key centres, as well as along transport corridors. By coordinating our planning and key projects to support development in each corridor, we can stimulate economic and social activity across the city.

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

Supplementary answer to question without notice
Sport—ACTSport

MS BERRY: I had a question yesterday from Mr Doszpot about the role of officers in Active Canberra in establishing the UC sports hub. Active Canberra—formerly Sport and Recreation Services—staff initially prepared and continue to administer the deed of grant between the territory and the University of Canberra for the UC sports hub. A representative of Active Canberra was also invited to be part of the UC sports hub project control group, along with ACTSport and other key stakeholders.

Papers

Madam Speaker presented the following paper:

> Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual Report 2015-2016, dated 4 August 2016.

Mr Barr presented the following papers:

> Public Accounts—Standing Committee—Report 17—Review of Auditor-General's Report No. 8 of 2013: Management of Funding for Community Services—Recommendation 5—Update.
>
> National Arboretum Canberra—Strategic Forest Review—Government response.

Mr Corbell presented the following papers:

> Coroners Act, pursuant to subsection 57(5)—Report of Coroner—Inquest into the death of John Cadar Throckmorton—
>
> Report, dated 5 May 2016.
>
> Executive response.
>
> Auditor-General Act—Auditor-General's Report No. 1/2016—Calvary Public Hospital Financial and Performance Reporting and Management, and Public Accounts—Standing Committee—Report 27—Review of Auditor-General's Report No. 1 of 2016: Calvary Public Hospital Financial and Performance Reporting and Management—Government response.
>
> Mental Health (Secure Facilities) Bill 2016—Revised explanatory statement.

Mr Gentleman presented the following paper:

> Mr Fluffy loose-fill asbestos—Update on the ACT Government response to the issue—Quarterly report—1 January to 31 March 2016.

Aboriginal and Torres Strait Islander education—annual report

Paper and statement by minister

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

> Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2015-16.

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

Leave granted.

MR RATTENBURY: Madam Speaker, I am pleased to present the Aboriginal and Torres Strait Islander education 2015-16 report to the Legislative Assembly today. It is timely to table this report as today is National Aboriginal and Torres Strait Islander Children's Day. This day represents an opportunity for all Australians to show their support for Aboriginal children and to learn about the crucial impact that community, culture and family have on the life of every Aboriginal and Torres Strait Islander person. Every child deserves access to a higher standard of education regardless of their culture, background or where they may live. The ACT government wants every Aboriginal and Torres Strait Islander child and young person to have confidence that they can achieve and their future is one of opportunity. We want all children to believe, "I can achieve, I am confident, my future is exciting."

While there is much to celebrate, the government acknowledges there is still more work to be done to improve outcomes for Aboriginal and Torres Strait Islander children. This report details achievements and progress made in education for Aboriginal and Torres Strait Islander children and young people against the priorities of the Education Directorate's education capital: leading the nation strategic plan 2014-17 and the 2016 action plan.

These plans are supported by the whole-of-government ACT Aboriginal and Torres Strait Islander agreement 2015-18, which commits to increasing the year 12 completion rate of Aboriginal and Torres Strait Islander children as well as commencement of a higher level of vocational qualifications. I am pleased to report that in 2015, 102 Aboriginal and Torres Strait Islander students enrolled in year 12 or mature age programs, an increase from 83 students in 2014. Of these students, 70 per cent graduated with a year 12 certificate—a positive improvement from 59 per cent in 2014.

Over the past year, the directorate has implemented a suite of programs and strategies to support and encourage Aboriginal and Torres Strait Islander children and young people right through from the early years to post year 12 pathways into study and employment. These include strategies and programs such as personalised learning plans, flexible learning options, pathways planning, Koori preschool, the aspirations program for aspiring young leaders, and the secondary scholarships program and Mura achievement awards.

This year's report highlights a number of achievements throughout 2015-16, including an increase of 92 Aboriginal and Torres Strait Islander children enrolled in Canberra public schools since 2015, bringing the total number of children enrolled to 1,739. In 2015, the ACT consistently had a higher proportion of Aboriginal and Torres Strait Islander students achieving at or above the national minimum standard for both reading and numeracy than was the case nationally.

The ACT is also one of the only three jurisdictions on track to meet the COAG target of 90 per cent attendance for Aboriginal and Torres Strait Islander students by 2018. In 2015, attendance increased by 1.6 percentage points to 85.2 per cent. New processes have been developed to monitor and report on the attendance of Aboriginal and Torres Strait Islander students. The processes include monthly monitoring of schools with low attendance rates of Aboriginal and Torres Strait Islander students and half yearly national reporting of attendance. This will help to ensure that the directorate is able to meet the COAG target by 2018.

The directorate aims to provide support for Aboriginal and Torres Strait Islander young people to transition successfully into further study or into the workforce. In 2016, 10 fully funded places were introduced for Aboriginal and Torres Strait Islander students to engage in school apprenticeships across the ACT government.

In 2015-16, 37 Aboriginal and Torres Strait Islander students received a credit towards a vocational qualification through participating in a flexible learning option. In 2015-16, the directorate employed 14 Aboriginal and Torres Strait Islander education officers, up from 11 in 2014-15, to assist teachers to improve attendance, support transitions, establish connections and build relationships between schools, families and communities.

In 2016, six Aboriginal and Torres Strait Islander secondary scholarships were awarded to year 11 and 12 students, three for students interested in teaching, and three for students interested in a career in the health field. To support and foster high-achieving Aboriginal and Torres Strait Islander students who are aspiring leaders, the Education Directorate runs the student aspirations program. Currently there are approximately 150 students involved in this program from year 5 through to year 12.

The directorate also sets out targets to increase the number of Aboriginal and Torres Strait Islander staff. Between June 2012 and December 2015, there was an 87.5 per cent increase in the number of Aboriginal and Torres Strait Islander staff employed by the directorate. The directorate also aims to provide high-quality culturally appropriate early childhood education through its Koori preschool program for Aboriginal and Torres Strait Islander children aged between three and five years. Currently there are 86 students enrolled in this program across five sites. The directorate works with the Community Services Directorate, who employ two early years engagement officers to work closely with Koori preschools to increase participation and parental engagement, and to support transitions to school.

The directorate also ensure that they consult regularly with the Aboriginal community through the Aboriginal consultative group and the education representative on the Aboriginal and Torres Strait Islander Elected Body, Mr Tony McCulloch. The directorate's relationship with Mr McCulloch and his ongoing advice has enhanced the directorate's knowledge and understanding of matters of importance to Aboriginal and Torres Strait Islander children and their families. I am pleased to table this report.

Papers

Mr Rattenbury presented the following papers:

> Rail Safety National Law (South Australia) Act—
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> Rail Safety National Law National Regulations Variation Regulations 2016 (2016 No. 360).
>
> Rail Safety National Law National Regulations (Fees) Variation Regulations 2016 (2016 No. 361)—
>
> together with an explanatory statement to the regulations.

Cost of living
Discussion of matter of public importance

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

> The importance of reducing the cost of living pressures for families in the ACT.

MR DOSZPOT (Molonglo) (3.23): It gives me great pleasure to have the honour of delivering the last MPI in this Eighth Assembly of the ACT parliament. And what a suitable topic it is. Probably nothing typifies the legacy of this Stanhope-Gallagher-Barr Labor government better than the cost of living pressures that they have foisted on our Canberra electorate. That is indeed a shameful and a lasting legacy and one felt by every Canberran, whether they are home owners, renters, single, married, with children or without, play sport, commute to work by car or bus, own a business or work as an employee.

In every aspect of Canberra living, you see the interfering and costly hand of this government, whether it is in wanting to be the food police in school canteens, making canteens more costly to operate, whether it is in pushing up the cost of liquor licensing laws or whether it is in lease variation charges that lift costs all the way through from builder to buyer to renter, or whether it is in relation to the car owner or the small businessman who has to put up with a myriad of red tape charges and delays just to get the approvals they need to go about their business.

You only need to open the pages of today's *Canberra Times* and you see on page 6 the story headed, "Bottle shop owners say tax hike could force staff cuts". The story talked about the pressures being faced by about 50 small business owners who would be hardest hit under the proposed changes to liquor licensing. The article quotes Australian Liquor Stores Association Chief Executive Terry Mott, who said that the ACT's licence laws were already the highest in the nation and further increases would force bottle shop owners to cut staff and jack up liquor prices.

Elsewhere in the same paper there is a letter from a Campbell resident who writes that his rates had increased by 14.9 per cent last year when his superannuation income, which is indexed according to CPI, has increased by 1.3 per cent. As the letter writer says:

> This brings to mind the words of Marcellus in Hamlet—'Something is rotten in the state of Denmark'.

There can be no better example, among a rich field of examples of this government's wasteful ways, of what they have done with rates. In the 2012 election the Canberra Liberals warned Canberrans that their rates would triple. Mr Barr, as Treasurer, led a tirade of abuse suggesting we were scaremongering and that there was no suggestion that this would happen. Tell that to the residents of Pialligo, who have seen their rates jump by a massive 174 per cent in just four years.

If we go through the suburbs in my electorate of Kurrajong, no-one has been spared. Let me list how rates have increased in each of these suburbs in the past four years: Pialligo, 173.9 per cent; Campbell, 77.5 per cent; Red Hill, 74.4 per cent; Yarralumla, 70.9 per cent; Reid, 70.5 per cent; Ainslie, 69 per cent; Downer, 67.8 per cent; Hackett, 65 per cent; Forrest, 64.5 per cent; O'Connor, 64.3 per cent; Deakin 64 per cent; Oaks Estate, 63.9 per cent; Griffith, 57.5 per cent; Turner, 55.6 per cent; Narrabundah, 55.5 per cent; Dickson, 55.4 per cent; Watson, 50 per cent; city, 40 per cent; Lyneham, 39.2 per cent; Braddon, 38 per cent; Barton, 37 per cent; and Kingston, 30 per cent.

The average increase across my electorate is 63 per cent. Next year, if the Labor Party is returned, suburbs like Kingston, Barton, Acton and Braddon, with a high percentage of apartments, will see their rates soar because apartment owners have been hit in the current budget. This will, of course, lead to higher rental costs and push up costs all the way throughout the ACT economy.

But it is not only the suburbs in my electorate that have been savaged. This government has not played favourites. Every suburb has had rates rise at levels well above CPI. Why? And why are drivers licences going up by five per cent and parking up by five per cent when the average increase in wages across the public and private sectors in the ACT is around the CPI?

Those paying land tax had their base charges lifted by $100 in this year's budget and next year they will take an even bigger hit. According to the current budget, land tax revenue next financial year is expected to be $16.5 million and over the next four years the Labor government is planning to collect $55 million just in land taxes. One could argue that not everyone is in a position to be required to pay land tax. But a very, very large percentage of the community have a drivers licence. So why have licences gone up by five per cent and parking fees also by five per cent when CPI is around 1.3 per cent and wage rises are mostly tied to CPI? As the Campbell resident said, on the one hand his rates went up by 14.9 per cent this year while his superannuation income rose by only CPI. There is something rotten in the ACT and it is this government that continues to milk Canberra residents dry. No-one in Canberra is exempt from the savagery.

Earlier this year students were bemoaning the fact that living in Canberra was just too expensive. Canberra has a high percentage of tertiary students. We are the primary campus for two universities, ANU and UC, and we also have the Australian Catholic University, the University of New South Wales at ADFA and Charles Sturt University represented here in Canberra. We also have our own CIT.

So when there are stories in the media about students in Canberra finding the cost of living here tough, that should be a concern. I know it is to those of us on this side of the chamber, because we know the importance of a strong tertiary education sector. But for too long issues like this have fallen on the deaf ears of this ACT Labor government over the past 15 years. We need tertiary institutions to establish in Canberra. We need students to want to study here. But if it is too expensive for them to live and study here, they will go elsewhere and another industry will be driven away.

For the car owner we have seen costs of registration rise. While many of us in this building have the advantage of free parking, many of our staff do not and they pay around $15.70 a day. That means over $160 a fortnight just for the pleasure of getting to work. And no, the bus is not an option for many people with commitments in and outside of work hours such as footy training, shopping, collecting children from school or dance classes. The financial pressures on families living in the ACT are significant and they are everywhere.

For those who wish to play sport, the government has not left you off the list either. On almost a weekly basis I have complaints from sporting groups, from junior clubs to senior levels, about how much it is costing their members to use Canberra ovals. It is always more expensive than across the border in Queanbeyan and each year the fees go up above CPI. For example, charges for AFL, Rugby League and enclosed ovals have all gone up six per cent this year. I well remember it was only a few years ago when the clubs were told their ground hire charges were to rise, in some cases by almost 50 per cent. We found out about these charges and raised quite a fuss about it. There was a huge outcry in the media and it was only then that the government decided to back down a little, but just a couple of years later we are seeing ground hire fees at three times the CPI.

Why are Canberra families having to pay three times above CPI? A major reason, aside from the Labor and Greens parties' known economic incompetence across Australia, is the ACT's own folly of light rail. Whatever figures you wish to believe, and however you want to measure it, one line out of this year's budget should cause every Canberran to stop and think. Because while we keep being assured that this will not be an economic burden and it is all on someone else's credit card, the interest bill alone, according to this government's own budget papers, will be $38 million, starting in 2018-19, and $21.2m the following year. The interest bill alone would be enough to build a hospital extension or the major part of a school, and we certainly need more of both of those.

The Canberra Liberals understand the importance of containing costs of living. We know that Canberra is a great place to live, to study and to raise a family, but it also

has to be affordable for all Canberrans who want to live here. That is why Mr Hanson outlined in his budget reply speech that the Canberra Liberals want to create a better future for all Canberrans, not just for the select few. He said our priorities were to fix the health system, to invest in education, to build our city and to grow our economy. He said, "We will leave no-one behind. That is our underlying principle, and it is possible to do. Because the two differences between a Barr and a Hanson government are rates and light rail."

This year's budget shows that $266 million is collected in conveyances, money that Mr Barr plans to put onto household rates each and every year. The Canberra Liberals will not transfer $266 million a year onto Canberra families' rates. We will keep rates fair and affordable to every Canberra household. Canberra is a great place to live, to work and to study, but it has to be affordable. Under a Canberra Liberal government, it will be.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (3.35): Supporting the community will always be my government's top priority. We will always put health, education and the jobs of Canberrans first. We are proud that over half of this year's budget, around $2.8 billion, goes to support the health and education systems in Canberra. We are also proud that we are creating jobs and have the lowest unemployment rate in the nation, ensuring that as many people as possible enjoy the dignity and financial security from being in work. Surely the best thing the government can do to support cost-of-living pressures is to ensure that as many people as possible have a job.

We will always make sure that each and every Canberran gets the quality services that they deserve and they expect. We will always ensure that access to these services does not depend on the size of their wallet. As I have noted before, supporting households goes far beyond just a narrow view of fees and charges. These are important, of course, but it is also important to note that all of the revenue raised from fees and charges goes to providing important services for our community, many of which reduce the cost of living for the most disadvantaged people in our community. Equally important is ensuring that our community has jobs, has world-class infrastructure and has services.

There is a bigger world view than that espoused by the previous speaker. Our community consistently ranks health as the most important priority for this government. We know this and we respect this. The $1.6 billion we invested in health—or will be investing in this current year—helps ensure that every Canberran has the opportunity to be as healthy and active as possible and to live in the healthiest and most active community in the country.

However, we recognise that some Canberrans will need access to our health system. Around one in 10 were admitted to hospital in the last year, and most of us have used our health system in some way or another in recent times. A strong and responsive heath system ensures that when people need help the most, they are able to get the services that they need. The budget this year included a $238 million investment in new initiatives for health.

The contrast here between our health system and our provision of health services and the Liberals' preferred Americanised health system—where it is your credit card, not your Medicare card that gets you access to health services—will be a key feature of the health debate in this city, and has been in this country this year.

The government has been expanding the Canberra Hospital emergency department. We have increased resources for intensive care and trauma services. We have also provided additional resources for the Calvary Hospital. The last budget funded 91 new nurses and 22 new doctors for our community; it invested significantly in the Canberra Hospital and the Centenary Hospital for Women and Children; and it continued the funding for the construction of the new subacute hospital at the University of Canberra.

In addition to health, high quality education is a further investment in our community and in our economy and ensures that we can continue to produce a strong, educated, creative and prosperous generation of school leaders and graduates with the values and skills that our community needs. These are the important things for this community.

There is $70 million in new funding for education in the 2016-17 budget. In 2016, enrolments in public schools grew to almost 45,000, which is 60 per cent of the ACT school population. This latest budget is also helping parents engage with schools, providing more support and training for teachers, providing more school psychologists and upgrading schools, teaching spaces and other education infrastructure.

Public housing is another vital community service for a significant number of Canberrans. In 2015-16, nearly 22,000 people were assisted in more than 10,500 public housing tenancies, providing safe, secure and affordable housing for low income households. Over 95 per cent of public housing tenants received a rental rebate, which established their rent at no more than 25 per cent of their gross weekly income. The government is investing more than half a billion dollars, the largest amount ever in the history of self government, in renewing our city's public housing stock so that our public houses are more energy efficient, more comfortable and fit for purpose.

Other areas of government investment include public transport: $186 million. Our public transport system provides an affordable and efficient transport option for all Canberrans. Importantly, concessions are provided to those who need them most, and to all school students, to reduce travel costs for households.

The ACT government is also the council for the ACT. Through territory and municipal services, the new transport and city services area, $308 million was invested in a range of services. Many of these reduce the cost of living for Canberrans, including free access to information, including the internet in our libraries; and free collection of bulky waste for eligible households.

The concessions program provides important help to around 30,000 Canberra households who need assistance with cost-of-living pressures. Concessions provide assistance that is additional to the support provided by universal core government services for people and households most in need. The territory government provides numerous concessions, including for electricity, gas and water bills; household rates; public transport; motor vehicle registrations; drivers licences; spectacles; taxis; and funerals. In 2016-17, the government will provide $53.5 million for these concessions.

We remain committed to supporting Canberrans most in need and, as we announced in the budget this year, we are investing an extra $35 million into our concessions program over the next four years. This investment followed a review of the program in consultation with the community to create a fairer, more sustainable and more accessible system to support vulnerable Canberrans into the future. The additional investment ensures that Canberrans can continue to have access to the concessions that they rely on.

As we discussed in question time, the ACT is a relatively low taxing jurisdiction. Our own-source revenue as a share of gross state product is the second lowest of any jurisdiction in Australia. That bears repeating: our own-source revenue as a share of our gross state product is the second lowest of any jurisdiction in Australia. And as ACT government taxation forms a small part of overall household costs, the Australian Bureau of Statistics data shows that average taxation per capita in the ACT compares favourably with other jurisdictions. Again, from question time today, the ACT per capita taxation of $3,524 is below the average across Australia of $3,755—below that of New South Wales, below that of Victoria and below that of Western Australia.

There are many other examples of the ACT government reducing the cost of living, such as the abolition of all tax on insurance products; the significant cuts to stamp duty, which are a massive up-front impost on housing affordability; our emergency and material financial aid program; our mortgage relief fund; the land rent scheme; the disability duty concession scheme; the student support fund; the secondary bursary scheme; the mobile dental clinic; the dental services scheme; and the women's health service, to name but a few of the strong programs that we have to support the most vulnerable and most disadvantaged in our community.

The territory government remains committed to supporting Canberra households. Through the programs and policies that we have implemented, the government is ensuring that Canberrans, particularly low income Canberrans, have the right support they need and the right services they need. These are the values that we hold very dear and will always fight for in this place.

MR RATTENBURY (Molonglo) (3.45): I am going to take the opportunity today to focus on two particular issues that are significant items in the household budget—energy and transport. There are other topics, but Mr Barr has covered them quite well. I will focus on these two particular topics because the ACT Greens have long argued that a key way we can reduce the ongoing costs for residents is to reduce the cost of their energy bills which, we argue, can be done by both less energy usage and making our housing more energy efficient.

When you own your own house it is easy to be in control of such things as making your house energy efficient. However, when it comes to private tenants and public housing tenants, this can be a very tricky issue. The ACT Greens have focused on increasing the energy efficiency of our public housing stock for many years now and I am pleased that there is progress being made in this area, particularly over the current and past Assemblies, through investment resulting from our parliamentary agreements with the Labor Party.

That is public housing. When it comes to private housing, we know, unfortunately, that many people are renting houses that are freezing cold in the winter and like little ovens in the summer, and having to pay a lot of energy bills to try to make those houses more comfortable. As part of our focus on making things better for people who are renting, the Greens this weekend just gone announced that we will set minimum standards for all rental properties to ensure that landlords are not allowed to leave students, young families, vulnerable older people or anyone in our community shivering through winter and roasting in summer.

At the very least, houses should be mandated to have roof insulation and draught sealing to improve their comfort and their efficiency for renters. Ensuring people can afford heating and cooling bills is an important way to make housing more affordable. This really is a win all round, because it not only reduces people's energy bills, which are a significant source of expenditure, but also means that they are having a better quality of life, a more comfortable life. That adds to the benefits from having a lower financial bill to pay. These are the sorts of long-term things that can happen. It is very easy to go for the headline on some of these things, but this is long-term, serious work that has a long-term, serious impact on reducing the cost of living for households.

On energy, I would like to highlight the work that the ACT government has undertaken that has insulated ACT electricity consumers from increased costs in years to come, work that would never have been undertaken by a Liberal government, as they seem to have a fundamental opposition to renewable energy and climate mitigation.

When the large-scale feed-in tariff bill was debated in 2011, I did say in the chamber that the ACT would be insulated from energy price rises by committing to large-scale renewable contracts. At the time, I said:

> The prices will go up, and if the ACT has contracts for 20 years at a fixed price there is no doubt that somewhere down the track there will be a crossover point where the territory will be doing very well under those contracts and the residents of the ACT will be thanking this Assembly for putting in place this legislation that saw us getting those economic benefits in 10 years time, 12 years time.

It seems that that is in fact becoming a reality already. What we have seen in recent weeks particularly is that with the significant increases in prices in the national electricity market, the ACT's fixed price contracts are already starting to show those differences. It was written up in an article that appeared recently in a publication called *Renew Economy*, which is a specialist website about renewable energy matters. The article said:

> … the territory's bold 100 per cent renewable energy target … is poised to deliver massive savings to consumers in the nation's capital.
>
> Indeed, if current wholesale electricity prices continue as they are across Australia, the ACT will not just have zero emissions electricity by 2020, it may also be getting most of it for free.

It goes on to say:

> This extraordinary situation arises out of the nature of the contracts that the ACT government has written with the project developers who have won its unique reverse auction tenders.

It goes on to quite a bit of technical detail, but I have pulled out the salient parts for members today to try to keep it brief. It says:

> The ACT has locked in fixed prices at between $77/MWh and $92/MWh for a total of 400MW of wind energy capacity so far. If the wholesale price is below those contracts, the ACT government pays the difference. If it is above, the ACT electricity utility ActewAGL receives the excess.
>
> In the past two months, wholesale prices across Australia have gone through the roof, mostly because of soaring gas prices (at record levels in most states), and supply constraints. Some of these rises have already been passed on to consumers.

The article talks about the fact that we have seen wholesale prices of up to $247 a megawatt hour, and consistently over $100 a megawatt hour. It concludes with the key point where it says:

> ACT consumers will thus be protected from having to pay for extremely high wholesale prices because of the hedging provided by the renewable electricity contracts for difference.
>
> By 2020, the ACT government's policy will mean that electricity prices in the Territory are much more stable and predictable than anywhere else in Australia.

That is ironic, really. We received a lot of flak from the Liberal Party for passing the large-scale feed-in tariff bill back at the end of 2011. I would like to take the opportunity to quote from Zed Seselja's remarks on that bill. He said:

> The Canberra Liberals will not be supporting this bill today. This bill does not support the economic development of the ACT; it does not support the families of the ACT; it does not support the environment or reduce emissions.

He went on to say:

> There is the potential under this bill that not one dollar is spent here in the ACT, not one job is created and not one industry attracted.

How wrong was Mr Seselja. How wrong was he, indeed. This article shows that only five years later, five years into the 20-year contract, the very situation that I outlined in 2011 is starting to play out. Imagine what it is going to be like in coming years as those pressures continue to rise.

The endorsement of the territory's strategy is one that ACT consumers will thank us for, and one that reflects the fact that when it comes to the cost of living, you have to take some long-term perspectives sometimes, something that I know our colleagues opposite struggle with. This is the sort of measure that will reduce the cost of living for Canberrans in a very real and concrete way for a sustained period of time. These are 20-year contracts, fixed prices. As the wholesale price goes up across the network, the ACT will be insulated against that, and our consumers will continue to benefit from that for many years to come.

Let me turn to transport. The government is investing seriously in public transport. We know that the cost of owning and running cars is a big burden on Canberra households. Transport costs are the second highest cost for a Canberra household, primarily because of the costs associated with owning and running cars. Providing quality public transport and starting to plan our city around more public transport are a way to alleviate future economic stresses for Canberrans.

The approximate average time that a resident of Canberra has to work in order to pay for a car is 550 hours a year or 1½ hours every single day. A study found that if an average family were able to run one less car in their household over a 25-year period, the household could accumulate more than an additional one million dollars in superannuation over their working life; repay a $300,000 housing loan in 12 years instead of 25 years, saving $245,000 in interest payments; or purchase a home which is $110,000 more expensive than they would have otherwise been able to afford at the outset.

They are just some of the examples. There are further examples around how much you can save. Leaving your car at home and travelling to work on public transport five days a week would save the average commuter travelling to work in the CBD around $3,500 average annually. That varies, of course, depending on how far one commutes. The average annual savings a commuter can achieve by not owning a car at all or not purchasing a second car for a household and commuting with public transport is $7,348 annually, with a range of $3,000 to around $15,000.

The point here is that, by government investing in these things, by taking a long-term perspective, we provide an opportunity for households in Canberra to save real money, substantial amounts of money. These are the sorts of things that should not be lost in the cheap lines that we see from our colleagues across the chamber.

Cost-of-living pressures are something we need to be mindful of. Different families will face different pressures. I have just taken the available time I have today to focus on two particular topics. There are many others I could have raised, but these are two particular examples where the approach taken by this Labor-Greens government is going to play out in very real benefits for the people of this city. I am proud of those steps. There are more areas and more work to be done, but they are real steps that will make a real difference for the citizens of this city.

MRS DUNNE (Ginninderra) (3.55): I do not think I have had the opportunity to speak on a matter of public importance during this Assembly, so I would like to take the opportunity today to dwell on the issue of the importance of reducing cost of living pressures on families in the ACT. When I made my maiden speech back in this place in a previous millennium I said I would always consider what we do in this place through the prism of the family, and I think it is appropriate that on this day we should look at the impact this Labor-Greens government has had on the family.

The Labor-Greens government likes to flaunt the fact that Canberra is now considered one of the most livable cities in the world. They say Canberrans should be proud of their city. But when I stand at shopping centres I am constantly barraged by people who have lost their pride in their city. They should be proud of their city, but they cannot be because of the potholes, the unmown grass, the graffiti, the choked roads, the health services which are amongst the worst in Australia, declining educational standards demonstrated by the latest NAPLAN data, increasing deficits, increasing debt and rising rates, taxes and fees.

Canberrans have lost their pride in their city because this government has lost touch with the needs of Canberrans and Canberra families. It has lost touch with the expectations of its citizens; it has lost touch with the priorities of our citizens that our citizens know are important for the future of our city.

There could be no greater example of that than the stumbling faux pas from Mr Hinder yesterday in relation to light rail. I will quote what Mr Hinder said: "There will not be any $27 million [sic] because it is an illusion. It does not exist. The contract that we have signed, something like $700 million. The $1.78 million that those on the other side keep talking about, if you add up every dollar we are going to spend over 20 years, it's not real; it's an illusion." Firstly, we are talking about $1.78 billion, not million. That figure—$1.78 billion—is not a figure that has been made up by us on this side or anyone else but by the Auditor-General. It is a figure she determined by her investigation into the implementation of stage 1 of the light rail.

Mr Hinder seems to think that spending $1.78 billion over 20 years is something of an illusion. Mr Rattenbury said that we on this side do not have a long-term perspective. It is not in our DNA. Well, I tell you that we do have a long-term perspective when it comes to wasting taxpayers' money. The wasting of taxpayers' money on $1.78 billion light rail scheme is not an illusion; it is real. Furthermore, that is just stage 1—12 kilometres from Gungahlin to the city. It is real for every household in Canberra from Hall to Tharwa, from Dunlop to Oaks Estate, who will have to stump up $11,000 over 20 years to pay for the $1.78 billion illusory debt.

Madam Assistant Speaker, I suggest Mr Hinder might like to go to residents in Hall in his electorate, or Tharwa, Dunlop—which is in his electorate—or Oaks Estate or anywhere in between and see if people are happy to pay $550 every year for 20 years on his so-called illusion. Mr Hinder might also like to those residents if they think it is value for money to pay $550 a year every year to pay for 12 kilometres of light rail that they will not use. He also might like to ask whether they think their annual $550 for 20 years would bring them better hospitals, better education or better local

services. He might like to ask the residents of Hall and Tharwa and Dunlop and Oaks Estate whether they think that their $550 every year for 20 years rather than being spent on light rail which they will not use could be better spent elsewhere.

Let me save him shoe leather; the answer is overwhelmingly that if for the residents of Tharwa and Hall and Dunlop and Oaks Estate and all the suburbs in between the benefit to them in return for paying $550 every year for 20 years is an illusion, all they need to do is consider what I have been told at my mobile offices over the past few months, and I would like to share with you some of my experiences.

Over the past few months at my mobile offices I have been inviting residents to take part in an unprompted survey as to what they see as the major priority for Belconnen. We have a board and they are asked to select one—just one—from a list of hospitals, education, municipal services, building light rail, stopping light rail, law and order, community services, transport and tax reductions. They are given an orange dot and they are asked to put that one orange dot in the place where they see their highest priority.

Nearly 320 people have participated so far—317. Health is a high priority for 86 per cent of those who participated and education for 34. Twenty participants said that light rail should go ahead. But topping the list, unsurprisingly, are the 97 participants who said they do not support light rail and they saw that stopping light rail was the highest priority that we could have in the ACT.

That is essentially a third of all people who stop and speak to me telling me that stopping light rail is for them their highest priority. Many of the people who stand there saying, "Mmm, where will I put this," often want to put it on health or education, but they actually realise that if they do not stop light rail, we will not have the money necessary to spend on health and education. And they will say to you, "Education or health are high priorities for me, but we can't afford to spend the money on light rail and spend it on health and education."

I think that is a message the people on the other side actually have not got. I note the internet meme going around the other day posted by the ALP in response to a Liberal Party pamphlet with the small child from the Old El Paso ad saying, "Why can't we have both?" The answer is we cannot have both because we cannot afford it. The average residents of Tharwa or Hall or Dunlop or Oaks Estate actually understand that. They understand something the Labor Party and the Greens party do not understand. They cannot afford it, and these people understand the cost pressures that are being put on their families because of the wrong priorities of this government, even though this government does not.

One of the things that people speak to me about most often—going back to the topic that occupied Mr Doszpot for much of his speech—is the whole issue of rates. Between 2011 and 2015 average rates in Belconnen have risen by 57.5 per cent. That averages out at almost 10 per cent a year. Mr Barr, the Treasurer, has said that he will be magnanimous in 2016-17 towards Canberrans. If you live in a freestanding house you will have a rates holiday because they will only increase by 4.5 per cent on average this year.

Mr Wall: A holiday.

MRS DUNNE: A holiday. But, of course, as soon as the election is over, we will be back up to, on average, 10 per cent again. For instance, take one resident that I met recently, a resident who has lived in Aranda since Aranda was Aranda and has raised her family there. Even though we are being told we are having a rates holiday of only 4.5 per cent this year, her rates are going up by close to eight per cent this year because of the value of land in Aranda.

As she has said to me, she has lived in Aranda since Aranda was Aranda. She has raised her family there, but now she is on her own and she is on a fixed income and she does not know how long she can continue to live in her family home in Aranda. Of course, the Chief Minister's response to that is, "Just rack it up on your estate and leave it for your kids to fix."

Mr Wall: Sounds like a death tax.

MRS DUNNE: It is a death tax, and it is an avoidable tax that people in Australia want to avoid. People want to be able to hand on their family home unencumbered to their children. It is becoming increasingly difficult for people to do that in the ACT because of the rise in the cost of living.

Families in Canberra deserve better than they have been receiving from this Labor-Greens government. This Labor-Greens government is out of touch and does not care and does not understand what is going on in the suburbs. They have never seen something they did not want to tax and tax and tax, and they do not care about the impacts on families.

Discussion concluded.

Discrimination Amendment Bill 2016

Debate resumed from 8 June 2016, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (4.05): The Canberra Liberals will be supporting this bill today. It does a number of things. As outlined in the explanatory statement, it provides an overview and indicates that this bill implements the first stage of reforms to the Discrimination Act 1991 following recommendations made by the ACT Law Reform Advisory Council. The bill makes improvements to the act that include the ability for people to make complaints of both direct and indirect discrimination on more than one ground, refines the range and scope of protected attributes in line with developments in discrimination law nationally and internationally and includes new protected attributes. The bill also revises the application of vilification provisions in the ACT to include disability in these grounds.

Specifically the amendments contained in the bill include a new section 53CA to the Human Rights Commission Act which amends the onus of proof in a discrimination complaint in the ACAT. A new section 5AA substitutes a refined definition of disability for the Discrimination Act and this step is substantially equivalent to and based on definition of disability in the Disability Discrimination Act 1992. The new section that provides a definition of disability will also extend to cover behaviour that is a symptom or manifestation of the disability. The new section extends the definition of disability to include reliance on some support person such as an interpreter, a carer or an assistant who provides assistance to a person because of their disability. It also points to establishing a requirement for training of assistance animals and recognition of assistance animals in accreditations of other states and territories.

There is a new clause that substitutes a previous section setting out the meaning of discrimination and a revised clause regarding a victimisation provision which is being redrafted for clarity. And there a number of other amendments pertaining to the bill.

These are, in the main, supported across the community. They are logical and important when we are concerned, as I think we all are, to make sure people that are challenged by disability are not discriminated against.

Finally we hear that there are amendments that are going to be moved by Mr Rattenbury which I will deal with in detail then but I would express some concern that, when we are dealing with issues as complex as this, bringing amendments on at the 11th hour that have not been through scrutiny, that have had not had the opportunity for review and therefore consultation with the community, is problematic. I will speak in more detail when the amendments are moved.

MR RATTENBURY (Molonglo) (4.08): The ACT Greens support the Discrimination Amendment Bill. I would like to put on record my thanks to the Law Reform Advisory Council for their in-depth review of the territory's discrimination law and their recommendations which have led to these reforms proposed in this bill. Their report is extensive and contains many recommendations for major reform. The bill before us today picks up a handful of those recommendations only. These are, however, good and positive changes and the Greens support them.

I want to emphasise that I believe there is an opportunity to make further important and necessary changes to our antidiscrimination and anti-vilification landscape. In particular I want to talk about religious vilification. As Mr Hanson has touched on, I will be moving amendments later in the debate today and I will take some time to talk about them now during the in-principle stage as well as comment on other facets of the bill.

Currently ACT laws do not protect against vilification on the basis of a person's religion. The Law Reform Advisory Council review recommended remedying this. The human rights commissioner has written to the government and recommended remedying this. In 2012 the government said that urgent action was needed on the issue of religious vilification. Under our laws a person cannot vilify another on the grounds of their gender identity, HIV-AIDS status, their race, their sexuality and, with the passing of this bill, on the basis of a disability. Without this amendment today religion would not be addressed.

When it comes to thinking about the biggest issue in our society at the moment in terms of vilification and intolerance we all know it is clearly religion; clearly the display of hatred, intolerance and offensive behaviour towards Muslims expressed on the basis of their faith. Attacks against Muslim people and places Muslims gather are disturbingly common. In Sydney, pigs' heads adorned with an Australian flag were placed at the site of a proposed Islamic school. In Melbourne, a campaign was run to bar a Muslim prayer group using a community house in the Melbourne suburb of St Kilda East for one hour per week. In Bendigo, community members campaigned against the building of a mosque saying it would bring violence and sharia law to Bendigo.

In Western Australia last month the Australian Islamic College was firebombed and sprayed with offensive graffiti. In Sydney a Muslim woman was attacked in a shopping centre with taunts: "You Muslims go back to where you came from." She was pushed to the ground and suffered a broken arm. In Melbourne a woman wearing a hijab was pushed down the steps of a tram and suffered injury. In Canberra our local Islamic Centre has been vandalised and trashed several times. Houses have been letterboxed with flyers opposing a local mosque because of its social impact on Australian neighbourhoods.

If we look at the news, the reports of these sorts of acts just go on and on. But beyond these more brazen acts, if one talks to Muslim people about their day-to-day lives it is clear they are frequently, almost constantly, exposed to discrimination, vilification and targeted offensive behaviour.

The University of South Australia's International Centre for Muslim and non-Muslim Understanding released a report this year on Islamophobia in Australia. It used survey data to show that about 10 per cent of Australians were highly Islamophobic. Islamophobia is defined as negative and hostile attitudes towards Islam and Muslims. Members will be pleased to know that of the Australian states and territories the ACT showed the lowest rate of Islamaphobia, though it was still present here to a significant degree.

We have seen the emergence of movements such as reclaim Australia, whose Facebook pages undoubtedly contain offensive and vilifying comments directed at Muslims, and the Australian Defence League who is waging a hate campaign against Australian Muslims. It follows and photographs Muslim women on public transport, displays anti-Islamic posters outside mosques, films at Muslim schools and posts the videos online. A Muslim woman was photographed secretly on public transport and then posted on the Australian Defence League Facebook page with the caption, "Are you having problems getting a man? Then join Islam, taking the world's rejects, paedophiles and weak-minded people for thousands of years." Another comment from their Facebook page is, "I'm calling for the end of Islam in our country and hopefully the world. If Muslims have to die then so be it. It is us against them."

We are currently witnessing Pauline Hanson's reincarnation into the mainstream media and politics. She started her political life targeting Indigenous people, Asian people and multiculturalism generally. Now she has focused her hatred on the people

of Islamic faith. She told a radio host it was okay for Muslims to be in Australia as long as they are Christian. Reportedly, when selling her house she refused to consider Muslim buyers. She wants surveillance cameras in mosques and Islamic schools, to ban the immigration of Muslim people and to deny refugee status to anyone who is a Muslim.

Perhaps Islamaphobia has worsened in recent months and years but these problems have been occurring for a long time. In 2003 the Human Rights and Equal Opportunity Commission produced a report called *Listen* after it conducted national consultations on eliminating prejudice against Arab and Muslim Australians. It reveals a disturbing picture and I will quote from the report's foreword:

> What we heard was often disturbing. Participants identifiable as Arab or Muslim by their dress, language, name or appearance told of having been abused, threatened, spat on, assailed with eggs, bottles, cans and rocks, punched and even bitten. Drivers have been run off the road and pedestrians run down on footpaths and in car parks. People reported being fired from their jobs or refused employment or promotion because of their race or religion. Children have been bullied in school yards. Women have been stalked, abused and assaulted in shopping centres. Private homes, places of worship and schools were vandalised and burned. "Terrorist", "Dirty Arab", "Murderer", "Bloody Muslim", "Raghead", "Bin-Laden", "Illegal Immigrant" … are just some of the labels and profanities that we were told have been used against Arabs and Muslims in public places. Arab and Muslim Australians were told to "Go back to your own country", even those whose families have been in Australia for many generations.
>
> Perhaps more troubling than the nature and intensity of discrimination and vilification is the impact such incidents had on participants. Many Arab and Muslim Australians said they were feeling isolated and fearful. "I don't feel like I can belong here anymore" was a common sentiment.

That was in the foreword to that report.

Here in the Assembly we should be taking all the action we can to address this. An obvious and easy action for us to take is to enact unlawful religious vilification laws in the territory. It provides a means of redress for people subject to vilification because of their religion. It also sends a powerful and important message from our parliament: religious vilification is simply not acceptable. We do not tolerate it here in the ACT.

On Tuesday I did write to the Liberal and Labor parties and presented a copy of my amendments that will introduce unlawful religious vilification provisions into this act. The amendments are simple. They add religious conviction as one of the grounds of unlawful vilification. Vilification as described in the act occurs:

> … otherwise than in private and expresses, or is reasonably likely in the circumstances to incite, hatred towards, serious contempt for, severe ridicule towards or revulsion of, a person or people with a protected attribute.

My amendments also add religious conviction as one of the grounds for the criminal offence of serious vilification. This offence occurs when a person:

> … intentionally engages in a public act that threatens harm, and is reckless about whether that act incites hatred towards, serious contempt for, or severe ridicule of, a person or group of people on the basis of a protected attribute.

Of course I hope that my colleagues here will support these amendments, but let me pre-empt some of the reasons members may suggest for not agreeing to add this important ground to the legislation. These arguments are around. They have been floated at various times in the extensive public debate. In light of Mr Hanson's comments in his in-principle remarks about time to consider this, it is worth reflecting on the fact that this has had a considerable period of discussion, considerable period of public consultation through the Law Reform Advisory Council, LRAC, process. To suggest that this has been sprung this week belies the fact that there has been an extensive community discussion about this, that the issue has been worked through and that provisions exist in a number of other jurisdictions in Australia.

Members may say there needs to be community consultation but, as I have touched on, there has been an extensive review. It is true that some submitters to some of these processes do not support the addition of religious vilification. LRAC's final report responds to the submissions, considers the issue and recommends that the government add religion as a ground for unlawful vilification. Not only that but Minister Corbell tabled legislation on this same issue last Assembly, and it did draw community comment.

I think we know the different views in the community, and in fact many of the issues are similar to the ones that played out during the national debate on section 18C of the federal Racial Discrimination Act in recent years. So I do not believe that we need further consultation. The consultation has been had. It is actually time for the Assembly to make a decision on this issue. If we do nothing we leave a gap where it is not unlawful to vilify someone on the basis of their religion.

As Mrs Jones told us in some detail yesterday afternoon, a person's religion is fundamentally important to them and they should have the right to practise it freely. We had quite a good discussion on that topic yesterday afternoon, and I think there was unanimity of view in the Assembly about the points that Mrs Jones was making around the ability of people to practise the religion that they choose or were born into and how important it is to individuals.

Like the Law Reform Advisory Council, like the Human Rights Commission, like ethnic community councils and religious leaders, like many members of the community, the Greens and I support adding religion as a ground of vilification. Members may raise a criticism that religious vilification laws will limit free speech so that people cannot offend each other anymore unless they break the law. This is not the case. We are talking here about vilification, not mere offence. Vilification is a standard that requires a public act that expresses, or is reasonably likely in the circumstances to incite, hatred towards, serious contempt for, severe ridicule towards or revulsion of, a person or people based on their religion.

Broad free-speech exceptions in the Discrimination Act ensure that there can continue to be academic, artistic, scientific or research activity in the public interest, including discussion or debate. Tasmania, Victoria and Queensland already have these laws, and they are operating fine. We already prevent vilification on the basis of race and other grounds. Why would it be unlawful to vilify someone based on those attributes but lawful to vilify someone because of their religion? That is a key question we need to reflect on as we consider these amendments. Free speech is not degraded by religious vilification laws, because all we are doing is protecting against damaging hate speech.

I do urge members to support the amendments when I move them later to add religion as a ground of unlawful vilification, and we can all move forward as a more inclusive and respectful multicultural community.

I will talk briefly about some of the other parts of this bill. As I said, the changes are good and I do support them. One of the changes I am pleased to see included is the ground of discrimination based on someone's irrelevant criminal record. Discrimination on the basis of criminal record, particularly in employment, is I think an area that needs addressing. As was recognised in Victoria's review of its equal opportunity laws, a person's irrelevant criminal history can operate as a barrier to accessing opportunities and social inclusion, as well as noting the link between employment and reduced rates of reoffending.

I think this is a good law to have in the territory, and I have previously written to the Attorney-General encouraging its addition to the Discrimination Act. A person's criminal conviction cannot hound them their whole life, keep them out of employment and cause them to be subject to discrimination. It does no good for that person or our society to disconnect them from employment, from the chance to learn skills, to earn money and to make social connections.

It is likely that this type of discrimination is occurring in the ACT. As the ACT Human Rights Commission said in its submission to the inquiry:

> This is an important issue in the Territory. The commission has had inquiries from people with relatively minor or irrelevant unspent criminal convictions who have been discriminated against, particularly regarding employment opportunities.

To clarify, the relevant discrimination is when someone has a criminal conviction that is not related to the inherent requirements of the job they seek, yet they are denied that job or dismissed or otherwise discriminated against because of that criminal record. If the criminal record is relevant, it is of course acceptable for the employer to take it into consideration.

The Commonwealth human rights commission has done considerable work in this area and it hears many complaints of discrimination in employment based on irrelevant criminal record. To give an example, it found in favour of a woman whose application to work as a bar attendant at the Adelaide casino was rejected because of a conviction for stealing two bottles of alcohol from a shop when she was 15 years of

age. The commission found that it was not a sufficiently close connection between the requirement that the holder of the position of bar attendant be trustworthy and of good character and the rejection of her application based on a criminal record.

There are other important amendments that the government has included in this legislation, and I would certainly welcome them. Including as a ground of discrimination the fact that someone is a victim of domestic violence is a good inclusion. Including a person's disability as a ground of vilification is another important addition to the legislation. These are important issues to address. I know that many people in the community and advocacy groups working in these areas will appreciate them.

I support this bill. I think that it does make advances in the law here in the territory. These will have real impacts for people who may be discriminated against or vilified and will provide protections for them, and I hope that the Assembly today will support further my amendments to ensure that we also protect against religious vilification.

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) (4.24): I am pleased to speak in support of the Discrimination Amendment Bill 2016. As Minister for Women, I want to draw attention to a small but significant element of this important bill. Across my portfolio areas in housing, community services, multicultural and youth affairs and advocating for women, I am very aware of the need to foster a compassionate and inclusive society.

We are lucky to be Canberrans residing in the world's most livable city, where there are high standards of education, health and income. However, as in any society, there are people who, for a variety of reasons outside their control, are in a vulnerable position or going through difficult times in their lives. I want to mention briefly amendments in this bill that are about ensuring that people who are going through difficult times are not subjected to further disruption and distress caused by discrimination.

The bill recognises the vulnerability that comes from a cycle of control and abuse when a person is subjected to domestic or family violence, not only in the privacy of their home but also when the person has to get up, go to work and hold down a job, which may be the person's key source of recognition and a steady source of income for their family. The bill provides protection against discrimination on the basis of being a victim of domestic and family violence. This will mean that victims of family violence are not subjected to direct detriment because of their circumstances, for example, having a contract not renewed because an employer suspects that a woman might experience domestic violence at home and thinks that keeping her on would be too much of a hassle. The bill will also promote more effective workplace policies on the use of leave and meal breaks to support access to health, social and justice supports available to victims of violence.

As noted by the Australian Sex Discrimination Commissioner, Elizabeth Broderick:

> Domestic and family violence is a workplace issue. Having domestic/family violence as a new protected attribute in anti-discrimination legislation can provide another avenue of protection for victims and survivors who experience discrimination, as well as lead to improved measures for addressing domestic/family violence.

Of course, the disadvantage and stigma associated with domestic and family violence do not manifest only in workplace discrimination. They can occur in access to services and facilities where a woman might be asked not to return to her gym because her abusive partner has threatened to turn up and cause a scene. They might occur in access to the provision of accommodation where a woman is not offered a lease because of suspicion that she is on a crisis Centrelink payment or because a previous tenancy was ended when her landlord discovered that she was in a troubled relationship with a man known to have a history of violence and cause property damage.

This amendment does not impose positive duties on landlords or bosses to actively support a victim through reduced rent or specific leave allowances, though that might be something that they could do. It is about being clear that it is not acceptable to treat a person unfairly because they have experienced family violence. We need to create a society that lifts the shroud of secrecy and shame associated with domestic and family violence that prevents open discussions and frustrates the effective operation of the support networks that we are putting in place.

This amendment sends another clear signal that the ACT government is committed to taking action across the statute book to reflect on the reality of domestic and family violence to ensure that our laws protect already vulnerable people from re-victimisation.

Finally, I would like to recognise that this change has been championed by, amongst others, the ACT YWCA. I have spoken often in this place about real change on domestic violence needing a partnership between government and the community. It is organisations like the Y that are offering Canberrans pathways to get involved in making change. I appreciate the impact that this is making as we work together to end violence in our community.

This bill is an important part of the coordinated effort to reduce domestic and family violence in the ACT. I commend the bill to the Assembly.

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) (4.28), in reply: I thank members for their support of this bill today. The bill is the first stage response to recommendations made by the ACT Law Reform Advisory Council following its extensive inquiry into the scope and operation of the Discrimination Act. The bill makes changes to the act to improve and extend its coverage.

Effective, accessible and balanced anti-discrimination law is an important part of our justice and social policy framework. It provides a key support mechanism to uphold

and exercise the right to equality. It sends a signal to all members of the community that they are entitled to be treated equally and with respect.

The bill is about promoting inclusion and equal opportunity for all members of our society. This recognises that the ACT will be all the stronger by fostering social settings for people who are not held back by stereotype, stigmatisation or unfair and unreasonable treatment.

These reforms clarify the objects of the discrimination framework and improve the application of existing protections and processes. They update our discrimination law in line with developments in other jurisdictions whilst also taking the ACT forward in the recognition of employment and accommodation status as attributes for which the law should offer protection against discrimination.

The bill amends the objects of the act to explicitly refer to the right to equality and non-discrimination in the Human Rights Act. This clearly links two key rights protection statutes. The objects no longer refer to specifically overcoming gender inequality and sexual harassment, as there should be an equal focus on the general aims of the legislation in eliminating all forms of discrimination to the greatest extent possible and in all areas of public life.

The objects will also recognise that substantive equality and equity must be progressively realised through the making of reasonable adjustments, reasonable accommodations and taking special measures to overcome existing social and economic disadvantage.

The bill expressly requires that the act be interpreted in a way that is beneficial to people who have protected attributes.

The bill contains several amendments to recognise that discrimination is often complex and multifaceted, that it can occur on more than one ground or over a series of acts which may be impossible to isolate or to clearly characterise as either direct or indirect discrimination. This is not intended to change the distinction between direct or indirect discrimination but provides that complainants need not specify exactly which type of discrimination they are complaining about.

One of the main aims of these amendments is to make the complaints process simpler for people who have multiple protected attributes. A key refinement among changes to the protected attributes is changes to the definition of disability. The bill amends the definition of disability in order to make it consistent with the commonwealth Disability Discrimination Act. The commonwealth act also applies to ACT agencies providing education services.

Disability protections under the ACT act will now cover disorders or malfunctions which result in a person learning differently from a person without the disorder or malfunction. This will clearly cover conditions such as dyslexia and attention deficit hyperactivity disorder, which may not have been covered by the existing law.

The definition of disability will be extended to cover disability that a person may have in the future based on an actual or presumed genetic predisposition. In addition, the law will no longer allow discrimination by employers and qualifying bodies on the basis of a disability that a person had in the past but no longer does have.

The bill provides for recognition of reliance on assistance animals, disability aids or support people as a facet of disability, which moves the act towards a more social understanding of disability. This recognises that the barriers to the accommodation of the needs a person has because of a disability can be as debilitating as the disability itself.

There are changes to the definition of religious and political conviction. These changes cover not having these convictions and protect against discrimination on the basis of the cultural heritage and distinct spiritual practices, observances, beliefs and teachings of Indigenous people.

The bill recognises a number of protected attributes, including accommodation status, employment status, genetic information, immigration status, intersex person status, irrelevant criminal record, physical features, records of sex being altered, and subjection to domestic and family violence.

The definition of vilification has been expanded to include conduct that incites revulsion of a person on the basis of the grounds of disability, gender identity, intersex status, HIV/AIDS status, race or sexuality.

Disability will be a new ground to which vilification applies. This will increase awareness of the harm of inciting language aimed at people with a disability. Vilification provisions will apply to any act done other than in private, in order to remove uncertainty about the legal meaning of public acts.

Existing exceptions will remain for fair reporting and reasonable and honest acts done for academic, artistic, scientific or research purposes, or discussion and debate in the public interest.

Protections against victimisation are strengthened by the bill to make sure that people who make complaints or otherwise act in accordance with their rights under the act are fully protected against retaliatory action.

The bill also amends the Australian Human Rights Commission Act, which contains the law and processes for making complaints about unlawful discrimination. Representative bodies or representative people with sufficient interest will now be able to make a complaint about discrimination on behalf of a named complainant with their consent.

The bill also creates a presumption that discrimination has occurred if the complainant demonstrates unfavourable or unfair treatment and makes out a case that the unfavourable treatment was because of a protected attribute of the complainant. This presumption is able to be rebutted by the respondent.

There are also new powers for the provision of information about complaints to the ACAT and, in limited circumstances, to researchers and academics. This will reduce the fact-finding burden on the ACAT and promote better understanding of systemic discrimination issues.

Finally, the bill provides additional guidance the ACAT must take into account in making an award of compensation if a complaint is upheld.

The bill will build on the existing rights protection foundations that sit in the ACT's key laws: the Discrimination Act, the Human Rights Act and the Human Rights Commission Act. The measures in this bill will promote non-discrimination and improve the ability of all members of our society, particularly those who are vulnerable, to exercise their rights and ultimately to better participate in a respectful and inclusive Canberra community.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (4.36): I seek leave to move amendments Nos 1 to 3 circulated in my name together.

Leave granted.

MR RATTENBURY: I move amendments Nos 1 to 3 circulated in my name *[see schedule 3 at pages 2388-2389]*.

Colleagues, these are the amendments that bring forward the addition of religious conviction as a ground for not being discriminated against or vilified, as I described in my earlier remarks. I do not intend to add anything more at this point.

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) (4.37): I thank Mr Rattenbury for his amendments, which will expand the vilification protections in the act to cover religious conviction. The Labor members of the government will be supporting these amendments. They are in keeping with the spirit and intention of the discrimination and human rights framework in the ACT and were recommended by the ACT Law Reform Advisory Council in its report on the review of the Discrimination Act. In developing this bill, the government was of the view that the vilification protections should be expanded and had considered that they would do so in stage 2 amendments to this act.

The amendments will make it unlawful to incite hatred, serious contempt or revulsion or severe ridicule of a person based on their religious convictions. The law would not cover acts or speech done in private. There are exceptions for reasonable and honest discussion, debate, and fair reporting, and in performing or producing arts.

I think it is important to be very clear that these amendments do not change the current exemptions for religious bodies and educational institutions conducted for religious purposes under the Discrimination Act. These bodies will be able to continue to conduct themselves as they do today in these respects.

These amendments are aimed at preventing hateful and harmful comments about people on the basis of their religion. While freedom of expression and frank political discourse are important facets of our democracy, as a community I do not believe that we see there is a place for comments that incite hatred of people on the basis of their religious faith.

The Australian Human Rights Commission report on the 40th anniversary of the Racial Discrimination Act found:

> Representatives of Muslim and Arab organisations also reported that members of their communities experienced racial and religious vilification with regular frequency—not only in verbal form, but also through offensive letters and pamphlets.

In the report, Muslim women in particular provided instances of being vilified in the streets. One example included a mother receiving anti-Islamic abuse in the street while a man kicked her pram.

The vilification provisions in the act protect against the most serious of religious, racial and disability abuse and hate speech. I believe that amendments to make religious vilification unlawful are compatible with our human rights law. Similar law has been in place for many years in Victoria, Tasmania and Queensland anti-discrimination law.

While some may be concerned that the amendments may limit the implied right to political communication, the amendments serve a legitimate purpose in ensuring that the political discourse does not descend into acts that incite violence and hatred against people on the basis of their religion. These are complex issues, despite the amendments themselves being simple, and the imperative for preventing religious vilification is clear. There are persuasive arguments to make religious vilification unlawful, and I am confident the change has strong support from across our community.

We have heard many accounts in this place of religious abuse and vilification, stories about members of our community who have come to Canberra to raise a family, yet are subjected to harassment and vilification, which are usually based on ignorance, fear and bigotry. We know that Canberra is a diverse society, and creating a safe and respectful community will be better for all of us. For these reasons, Labor members will be supporting these amendments today.

MR HANSON (Molonglo—Leader of the Opposition) (4.41): The opposition will support these amendments but I would like to make a number of comments about them that indicate our concern that this has been brought on in the way it has.

Mr Rattenbury has said that there has been debate about this in the community and from the Law Reform Commission, but he brought this substantive change in as an amendment on a Tuesday for debate. It was considered by the Labor Party, I think, this morning. We also considered it today. Given that this is a substantive change, I do not think that is helpful. It has not been through the scrutiny of bills committee; you would expect a substantive bill to go through scrutiny, to look at the full implications and provide advice to members.

It is disappointing that we are dealing with this a bit on the fly without it having gone through the normal processes, including the scrutiny of bills committee, to look at this more substantively. We have only had about 48 hours to look at this in what has been a very busy sitting week.

I just put that on the table, because this is an important issue. There is no question that this is an important issue. We want to make sure that we live in a harmonious, multifaith society where people of all religious faiths are respected. We all abhor extremism that leads to violence and vilification. I have been shot at by the IRA, I have been shot at by Sunni extremists and I have been shot at by Shiite extremists. I have seen the consequence, one could say, of religious extremism and hatred and what it can lead to. But I know that there are people in our community who have experienced this on a day-to-day basis, and we want to make sure that we do not experience that in our community.

As leaders, we have a role. Legislation is one thing; but by our actions, by the language that we use, by the example that we set as leaders, we can affect the way that people feel in our community, to make sure that expressions of hatred do not occur and that those who may be victim to it know that they have our support.

Mr Rattenbury has talked about the issues faced by the Muslim community, the Islamic community. There is no question that there are incidents of vilification and hatred against our Islamic community that are occurring. It is something that I am sure that all of us in this place and in the broader community would speak loudly against, and stand with people of the Islamic faith.

Equally, though, as this legislation gets passed today, I do not want this just to be a debate about Islam, about one faith. This is equally important to all faiths. I have seen people of Christian faith vilified. It seems that Christians are people that can be ridiculed or attacked for standing up for their beliefs. We have to make sure that people of Christian faith are equally protected and that when they want to make their points, when people want to stand up for their Christian values, they are not vilified, they are not ridiculed in the manner that we have seen with those of other faiths.

I would like to make the same sort of comments about those of the Jewish faith. People of the Jewish faith have experienced the same sort of hatred, the same sort of attacks on them that we have seen more recently against those of Islamic faith.

If, as it would seem, this will come into law today, let us make sure that it is worked through and that, as it takes effect, it is applied equally to all faiths, Christian, Islamic, Jewish, Buddhist: that no matter what the faith, we treat all equally.

I heard Mr Corbell's comments, and I am encouraged by them. I do not think that this will be used as an opportunity to restrict people, whatever faith they are, from expressing their views or practising elements of their faith. It is very important that they can continue to do so and that we do not have laws that impinge on the ability for people of faith to express their views openly and without prejudice.

MR RATTENBURY (Molonglo) (4.47): I thank colleagues for their support for this. I believe this a worthwhile amendment that will be valuable to our community.

I take on board the comments that Mr Hanson made about this applying to all religious faiths, and that is certainly my intent. I particularly spoke about those of the Muslim faith because I feel it is the most contentious issue in our community at the moment, and it is where there are the most serious and striking examples. I do agree that whatever somebody's faith is they should not be subject to vilification. That is certainly the way the law is framed, and I ask you not to take my particular focus on a particular case study as excluding those other religions.

I trust that this will assist to continue to make Canberra a place where people feel welcome, where they feel safe; that it is the city we want it to be. Hopefully, improvements like this, which set out a very clear position, help enhance that reputation.

When I spoke to Philip Clark on the radio this morning, we were talking about the difference between debate and vilification. He talked about civility in public discourse. I think one can have a robust discussion about ideas, about the impact of religion and about the particular views of particular religions without going to the space of vilification. Hopefully, these laws will assist in guiding that debate in the community and being clear about what we aspire to as a community.

Amendments agreed to.

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

Bill, as amended, agreed to.

Residential Tenancies Legislation Amendment Bill 2016

Debate resumed from 8 June 2016, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (4.49): I am pleased to have the opportunity to speak to the Residential Tenancies Legislation Amendment Bill 2016 today. The bill is for an act to amend legislation about residential tenancies, and for other purposes. It is important to recognise it is for private rental and public housing rental; the same legislation generally applies.

The purpose of this bill is to give effect to a number of recommendations arising out of a review of the Residential Tenancies Act 1997. This bill makes some amendments that are intended to make it easier for a tenant who is impacted by domestic violence to change their tenancy arrangements in certain circumstances, amongst other changes. The Canberra Liberals are supportive overall of this bill, although I will talk a little about some of the issues that some stakeholders have raised with me.

The review of the Residential Tenancies Act 1997 was announced in July 2014. The Attorney-General presented the review of the act in the Assembly on 8 June this year. Stakeholders have told me that, after nearly two years, the bill covers some general non-controversial clauses in some ways and does not go far enough to address the big issues. For example, occupancy rights is something that has been raised with me by a number of stakeholders. As I understand it, the implementation of the review will be split into two tranches, and the bill includes the first tranche of reforms. Hopefully we will see the second tranche of reforms before too long.

Stakeholders have given me the following feedback. In relation to the government's consultation during the review of the act, I have been told that after 18 months of deliberations, stakeholders, including in the community sector, were given only 13 working days to submit feedback on the draft amendments. This was really difficult for key stakeholders. It is something that we have spoken about in this place on many occasions: about the need to provide the community sector with an adequate period for review.

I have already mentioned that the bill does not address occupancy rights. The new domestic and family violence vacate premises provisions are an improvement. Some stakeholders wanted to see the act amended to provide for separate clauses for leases in group homes to enable dangerous or disruptive tenants to be removed. That is just a small snippet of the feedback that I have received from a number of stakeholders.

The bill contains some amendments that are intended to make it easier for a tenant who is impacted by domestic violence to change their living arrangements. In particular, a protected person will be able to apply to the ACT administrative tribunal for orders varying their tenancy arrangements in certain circumstances. We are very supportive of this, that people experiencing domestic violence get the assistance that they need, legislative or otherwise.

Under proposed new section 85A, a protected person may apply to the ACAT for either of the two following orders: an order terminating the existing residential tenancy agreement, or an order (i) terminating the existing residential tenancy agreement and (ii) requiring the lessor of the premises to enter into a residential tenancy agreement with the protected person and any other person mentioned in the application.

The bill includes a new optional break lease clause that a lessor and tenant may agree to include in the residential tenancy agreement. I have spoken with Minister Corbell's office to confirm that, in relation to the break lease clause, if ACAT terminates a tenancy agreement under the new domestic violence provisions, the break lease

provision, if included in the tenancy agreement, would not apply. Whilst on the face of it and in fact this is a good move, I wonder—and it has been discussed with me by some stakeholders—whether there may be an unintended consequence here where some landlords may inadvertently exclude women because they fear that the break lease clause will not apply and this may disadvantage an owner of a property. I certainly hope that that does not take place. In some cases there may be discrimination in the light of the previous legislation that we discussed. Unfortunately, legislation sometimes has unintended consequences. It is something I am sure the parties will obviously be looking at to make sure it does not happen.

The bill will require all leased residential properties to have smoke alarms installed in accordance with the building code. The bill places an obligation on the tenant to replace the battery in a smoke alarm installed in the premises whenever necessary under the new clause 63A. Hopefully this makes rental properties safer for tenants, provides better protection for the landlord's asset, and also makes it clearer for both the tenant and the owner as to who is responsible.

In conclusion, we support this bill. I would like to pass on, once again, the comments from some stakeholders that they feel it does not go far enough in addressing some of the big issues, for example, occupancy rights. We are very supportive of people experiencing domestic violence getting the assistance they need. We support better fire safety for rental properties, which is good for the tenant and the landlord.

It is unfortunate that, to some degree, the stakeholder consultation was poorly run in such a quick time frame by the government. Nevertheless, the consultation took place generally over a long period. Hopefully all stakeholders felt that they were able to submit their feedback on the draft amendments. I am not sure whether the minister is going to respond in his remarks to the scrutiny committee's comments in relation to the deprivation of property issue that was raised in scrutiny. That is, I guess, the only remaining concern for us. We are happy to support this bill today.

MR RATTENBURY (Molonglo) (4.56): The Greens will be supporting the amendments before us today as they are positive moves and represent at face value a careful balance between the responsibilities of both tenants and landlords which, as members know, can be difficult to achieve. The bill provides a range of sensible and practical amendments to the act. I will not go through them all in detail. I would, however, like to touch on a few key points.

The clauses that relate to the new pre-arranged break lease arrangements will both provide tenants and lessor with greater clarity and may also reduce the sometimes acrimonious situations that arise when life circumstances change without notice. The new section relating to postings—in other words, relocation due to employment requirements—is also reasonable and, I can imagine, quite welcome to the many Canberrans who work in either the public service or the defence forces in particular. In fact, considering the current agenda of the Deputy Prime Minister, Barnaby Joyce, to design future public service hubs around his political agenda, I think it is quite a timely amendment and that people, given their jobs, may be able to pack up and move somewhere else.

I welcome the additional requirement for landlords to install and maintain, at their own cost, smoke alarms that meet the relevant building code. As we know, smoke alarms save lives. The building code outlines where the alarms are located to ensure they meet safety standards. The creation of explicit "post" condition reports is positive and should, again, reduce the likelihood of conflict and appeals when ending a tenancy agreement.

A small but I think very important change relates to the increased onus on lessors to dispose of tenants' property in the case of the accommodation being abandoned. While unfortunate, some tenants may leave suddenly for a range of personal reasons and not leave forwarding details or properly clean the property. Making it a requirement that lessors must make reasonable efforts to return essential personal identification and other documents to the relevant government agencies that produced them may save further hardships later on.

In relation to energy efficiency ratings, my colleagues may have already anticipated that, while I support this minor amendment, I am disappointed that it is such a small step. I outlined earlier today the Greens' views around energy efficiency of rental homes and the like. At the very best, the amendment will make lessors go and look to see if they have an EER certificate lying around, and that is a good thing, but I anticipate that all that will really happen is that most properties will be listed without an EER. There has been a slow process inside government to investigate the possibility of requiring all lessors to undertake an EER for properties prior to listing, something that we had identified in the parliamentary agreement. I can foresee that there will be arguments against that and, ultimately, what remains important is that properties are presented to the market to a standard that we would consider acceptable.

Most members of the Assembly will remember that this has been an issue of importance to the Greens for some time. Members may not know exactly why, so let me spell it out briefly. Firstly, many of our current rental properties in Canberra were built a long time ago and, to be frank, are like ovens in summer and freezers in winter. They have little to no real insulation, are poorly orientated, are full of draughts and prone to mould. This greatly impacts on tenants and is compounding, in particular, for tenants on low incomes. Trying to keep these places habitable is expensive, poses risks to people's health and generally makes life more difficult than it should be.

Secondly, this lack of efficiency comes at a cost to our environment, of course, in the form of increased emissions as tenants use inefficient heating and cooling appliances and churn through the electricity for little benefit. I would have preferred to see not just a quasi shaming exercise, whereby lessors who do not have an EER must say so in advertisements, but a real move to at least phase in a requirement that all landlords must actually make the changes required that will improve energy efficiency for their tenants. As I indicated on the weekend, the Greens will take a position to the election that will set minimum standards for rental properties that will require landlords to at least provide ceiling insulation and draught sealing, or meet a minimum standard.

On a much more positive note, I welcome the amendments that relate to protecting victims of family violence. The ACT government has moved swiftly in response to tragic deaths in our community in recent times and these relevant clauses are

testament to the consultation with the community sector partners and law enforcement agencies, leading to a safer city. These changes are justified when we see and hear of the terrible re-victimisation that can occur after domestic disputes turn violent or of children being forced to leave their residences and sometimes their schools and support groups because they cannot stay safely in their own homes.

I must note for the record that I am concerned about some of the practical implications of the victim, a protected person under the family violence act, attending ACAT to apply for termination or variation to their leases. I am hopeful that these issues will be worked through sensitively with the tribunal, police and the community sector support agencies.

Overall, this is a solid package of amendments and, as I said, the Greens are happy to support the bill. We think there is scope for further work in this space to increase clarity about the rights and responsibilities of all stakeholders and more to be done to protect vulnerable tenants, but today's bill is a positive one and I am pleased to support it on behalf of the ACT Greens.

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) (5.02), in reply: I thank members for their support of this bill. The bill makes, as members have observed, some important changes to our residential tenancies law to strengthen the capacity of both lessors and lessees to address a range of circumstances which have been identified as needing improvement.

I would like to respond to a number of the matters raised by the opposition in the debate. The first is in relation to the process of consultation. It is the case that consultation and the development of options for this legislative package have occurred over a period of a number of years. It would be worth making the observation, though, that the package before us is being supported today because there is a consensus across all stakeholders that these are desirable and important reforms. The difficulty with residential tenancy law is that that is not always the case. Often there are conflicting interests and conflicting expectations between lessors and lessees about how the law should operate when it comes to the rental market. Therefore, the government has chosen to put to this place a package of measures that does have support and consensus across the broad range of views that are reflected in this part of our economy.

The second observation I would make is in relation to the terminology, and I think it is perhaps an observation for future debates. We tend to continue to refer to people who let properties as "landlords" and people who rent them, who take up a tenancy, as "tenants". The use of the term "landlord" I think is well and truly past its use-by date. No longer are we involved in some serf-like engagement with a landowner or a property owner. The fact is that nearly a quarter of all Canberrans now rely on rental accommodation for their accommodation needs. I think it would be timely, when looking at future tranches of law reform, for consideration to be given to the use of the term "lessor" and "lessee" when it comes to residential tenancy matters. But be that as it may.

Finally, I turn to the issue of the acquisition of property matter that Ms Lawder raised in her comments in relation to the bill. I would simply draw her attention to the response the government has provided through me to the scrutiny of bills committee on this matter. That response makes it clear that, in seeking an ACAT decision to deal with, effectively, a right to exclusive possession of a rental premises, the ACAT is merely dealing with the follow-on consequences of a domestic violence order that has already been made by the Magistrates Court. The Magistrates Court has said that one party cannot reside with or be in the presence of another party, including within the domestic dwelling, and the ACAT is simply dealing with the follow-on consequences of that decision which has been made, effectively, already by a court. It is worth, I think, drawing that to the attention of Ms Lawder.

Overall, I would like to thank members for their support of the bill. I think the reforms, particularly in relation to domestic and family violence, are very important. They remove another barrier—in this case a legal barrier—that often acts as a deterrent for women and children in particular to seek safe sanctuary from domestic and family violence because of the consequences that they currently face in breaking their tenancy agreements. It removes that barrier and it does a good thing in doing so. I also thank the officials of my directorate, the Justice and Community Safety Directorate, for their extensive and considered work over a period of years in relation to this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Waste Management and Resource Recovery Bill 2016

Debate resumed from 7 June 2016, on motion by **Ms Fitzharris**:

> That this bill be agreed to in principle.

MR RATTENBURY (Molonglo) (5.07): The ACT Greens take waste management very seriously and we have a long history of interest in this area. Obviously the significance of the issue has increased over the years. It is one that we have taken a great interest in because the history of waste issues, particularly things like incinerators and burning, has piqued the interest of many Greens members over the years in seeking to avoid pollution and also as a waste of valuable resources. Previously, as the Minister for TAMS, I was involved in the early stages of the development of this legislation and establishing the way for a feasibility study which is helping to shape the future of waste management in the territory.

As minister I was concerned that although Canberra had in the past been a leader in resource recovery it was over time playing less of a leadership role. Indeed the 2015 state of the environment report states at page 72:

> Although the ACT Government's adoption of No Waste by 2010 strategy in 1996 led to various strong increases in the recycling rate up to 2005-06, when it reached 75.1 per cent, no further lasting improvements have been achieved.

The Greens want the ACT to again be a leader in waste management, not only reducing the amount of waste to landfill but in supporting the establishment of innovative new industries and social enterprises. Apart from better managing the waste we currently generate, the Greens also believe we need to focus on waste minimisation, actually reducing the amount of waste we generate as a society in the first place.

The long title of this act states that this is a bill for an act "to provide for the minimisation of waste, the recovery, recycling and reuse of resources, and for other purposes." Many of the provisions of this bill relate directly to the recovery, recycling and reuse of resources through regulating the activities of waste management businesses. While the generation of waste is generally not the subject of direct regulatory action under the bill it will be the strong focus of the educational role of the waste manager and, potentially, future codes of practice. In the longer term it should be expected that the generation of waste will be discouraged through differential fees and charges which will aim to encourage the recovery and reuse of resources rather than sending material to landfill.

The Waste Management and Resource Recovery Bill delivers a number of things. It fills a management and regulatory gap in the current legislation. The legislation is designed to bring the commercial waste industry within a framework of regulation that is simple to administer. The bill addresses, for the first time, a number of matters that have been of concern to the government and the ACT community for many years. It provides a framework for regulating behaviour of waste operators that is not limited to the threshold environmental harm criteria in the Environment Protection Act 1997.

It establishes the necessary environment of permission to operate in the waste industry through licensing and registration and industry management. Without this it is not possible to effectively regulate the waste industry. It means the stockpiling of waste will be manageable through directions and codes of practice and the territory will be protected from financial losses through the provision of financial assurances where appropriate. Mandatory data reporting will be simple but will provide essential knowledge about waste activity, making it possible to effectively review policy and practices. Targeted charging for waste will guide waste behaviour within the industry and the broader community, adding momentum to the achievement of targets in the ACT waste strategy.

One of the important features of this legislation is that it is technology neutral so that new processes and facilities can be introduced and managed without the need for legislative change. This could include, for example, mattress recycling, which has recently been established, or potential facilities for polystyrene recycling or processing food waste. Under this legislation illegal behaviour will be more severely punished but genuine operators will be encouraged to invest in the waste industry, something that can only benefit this city and the planet. It is important to note that ordinary domestic waste collection is unaffected by this legislation.

The bill provides a comprehensive model for regulating the waste industry in the territory. It has been drafted to avoid some of the complexity of legislation in other jurisdictions, particularly in light of the desire to minimise red tape. It has been developed following extensive industry and community consultation. All members of the waste industry and the broader community were invited to participate in this process. Overall, there has been good representation of large, medium and small industry members in reference groups and meetings and I think this has added to the quality of the legislation.

The bill actually repeals and replaces the Waste Minimisation Act 2001. The objects of the bill more closely align with the government's waste management policy objectives and there is a clearer relationship with the objects of other related legislation, particularly the Environment Protection Act 1997. The regulatory framework established by the bill directly supports the achievement of the resource recovery objectives in the ACT waste management strategy 2011-2025. The strategy is the principal government policy statement outlining resource recovery aspirations and future directions.

The new regulatory framework established by the bill is intended to facilitate and reward good practice in waste collection, transport, recovery and reuse and to discourage the disposal of waste to landfill. With this aim, the bill includes: a clear strategic policy and operational framework so that the responsibilities of agencies in relation to environmental protection and operational aspects of waste management are easily understood; a robust, simple and inexpensive licensing system for waste facilities; and a registration system for waste transporters that sets clear pathways for low cost regulatory arrangements for people who do the right thing. The bill also includes offences and penalties that reflect the need to manage and guide behaviour in waste management by facilitating and rewarding legitimate operators while discouraging inappropriate practices and also includes clearly articulated regulatory, investigation and enforcement powers.

The legislation sets up a robust framework for waste minimisation. However, it is an area that will need ongoing monitoring and review. We will need to ensure that waste reduction targets are being met, that staff in key roles have the appropriate skills and that the ongoing resources are made available for effective education programs. It does create that framework but we certainly cannot just pass this bill and consider that the end of it. I know the directorate does not. I am sure the minister does not. We just need to be really clear that this is not the end of the road. We do need to get back to a place where we are studied, talked about and referred to as one of the leaders in this space. We have got a lot of work to do.

The study that is going on at the moment that identifies the many different waste streams should give us the information to enable us to really reposition ourselves as a leader in this field and minimise the amount of waste going to landfill and maximise the recovery of resources from those products that have been disposed of. I am happy to support the bill today.

MS LAWDER (Brindabella) (5.14): I am pleased to speak to the Waste Management and Resource Recovery Bill 2016 which repeals and replaces the Waste Minimisation Act 2001. It is a bill for an act to provide for the minimisation of waste, for recovery, recycling and reuse of resources, and for other purposes. The bill introduces a new regulatory framework for regulating the activities of waste management businesses in the ACT. Some of the elements that the bill introduces include requiring the director-general to appoint a waste manager, introducing a licensing system for waste facilities and introducing a registration system for waste transporters. The bill introduces regulatory, investigation and enforcement powers including data collection; powers to issue directions; entry, search and seizure powers; and penalties for offences.

The ACT waste feasibility study was established in mid-2015 to investigate how best to reduce waste generation, maximise resource recovery, minimise littering and illegal dumping and achieve a carbon-neutral waste sector. I had a briefing from Ms Fitzharris's office which confirmed that consultation was conducted with a number of groups, including waste collectors and recycling operators, during the waste feasibility study and that their feedback was then used to inform drafting of the bill.

I note that the planning, environment and territory and municipal services committee did not receive submissions from stakeholders on the bill and therefore did not recommend any changes to the bill. For all of us it would have been better if the stakeholders had been able to provide feedback on the proposed legislation, for example if they had any concerns about how the proposed legislation would affect them. One can only presume that they were busy going about their everyday jobs and felt that they did not have the time to make a submission or that they felt that the bill adequately captured their feedback already. I certainly hope that the latter is the case. It is something that obviously needs to be watched in the future.

I would like to take a moment to reflect a little on the history of waste management in the ACT. Back in the 1990s we had the NoWaste by 2010 strategy which was aimed at helping the ACT to become a waste free society. That particular strategy stated:

> Problems associated with the generation and disposal of waste are issues of increasing importance to the community. Energy and resources are being wasted while tips are filling quickly.
>
> The ACT Government is committed to achieving sustainable practices for the management of our wastes.
>
> This Waste Management Strategy for Canberra has been developed through an extensive community consultation process. The strategy sets the vision of how we can plan a waste free society by 2010 and outlines the future direction for waste management whereby we will be turning our wastes into resources.
>
> We are the first Government anywhere to embrace such a bold target—of becoming a waste free society. This will be a most rewarding challenge for our community to adopt and I commend this strategy for its vision.

That was from the then Minister for Urban Services, Tony De Domenico, back in 1996. So this has a long history in the ACT.

We have moved over time from a vision of no waste to a vision of waste minimisation to now waste management rather than waste minimisation. The goal of the ACT waste management strategy 2011-2025 is:

> … to ensure that the ACT leads innovation to achieve full resource recovery and a carbon neutral waste sector.
>
> This goal is supported by four key outcomes and identifies 29 strategies that will enable the achievement of the outcomes. The objectives are:
>
> Outcome 1: less waste generated
>
> Outcome 2: full resource recovery
>
> Outcome 3: a clean environment
>
> Outcome 4: a carbon neutral waste sector.

This is something that has been on the minds of governments for many years in the ACT. And it is something that we are proud to support today.

The ACT Auditor-General released a performance audit report, *Management of recycling estates and e-waste*, in June 2012. In that report the Auditor-General made a number of recommendations. As the minister said when presenting the bill, the Auditor-General's report found there was room for improvement. Some recommendations from the Auditor-General's report include that the former TAMS Directorate "should enhance its management of the Hume Resource Recovery Estate", which was recommendation 1, and listed some things that needed to be done to achieve this, including developing a risk management plan for the estate and that TAMS should appoint an authorised person to foster the development of a waste regulation that controls the storage of waste, in particular stockpiling of recycling products, and work out whether the Environment Protection Authority or TAMS should be the ACT's waste regulator, which was recommendation 5. This bill puts those recommendations into place. However, it has taken four years since those recommendations were made by the Auditor-General in the performance audit.

I have already spoken briefly about some of the enforcement provisions that the bill introduces. The bill gives the waste manager the power to require a registered waste transporter who meets certain criteria, including having been convicted of an offence under the act, to have an approved GPS device installed in a vehicle that the registered waste transporter uses to transport waste—clause 40. The bill makes it an offence in certain circumstances for a registered waste transporter to transport waste in a vehicle that does not have an approved GPS device installed. I am unsure at this time whether the registered waste transporter bears the cost of complying with the direction to install an approved GPS device, and I hope that the minister may be able to provide more clarity on that question.

There are a number of enforcement provisions in the bill and, given that there was no feedback received on them—my original reading of the bill was that some of them were too strict—I am sure they will stand as they are.

We have had notification of a minor technical amendment from the minister. It is unfortunate that it came through quite late, but I understand that the amendment to the bill is necessary so that it is very clear that members of the broader community are not covered by the provisions which are intended to apply only to the waste management industry. So it is good to get that clarity but it is a pity it was not included in the original bill and, therefore, did not go through the scrutiny process. But from my reading of it, it does make clearer whom it relates to.

I do have some other remaining questions. For example, I understand that there has been an internal review, I think by the Environment and Planning Directorate, of the current waste strategy. I do not think that review has become available to members of the Assembly. It would have been useful to hear about the success or otherwise of the current waste strategy in order to consider this new legislation. Are the targets in the current waste strategy being met? What is the current target for waste reduction? How will the Assembly be informed of success of the new legislation, in other words, how will we know whether this new legislation is working? Is there a review period? That is not currently in the legislation but it may be elsewhere in the department's mindset.

Overall, the Canberra Liberals remain supportive of better waste management, as we have been many years. We will be watching the implementation of the bill closely, especially some implementation of the enforcement provisions. I again note that the PETAMS committee did not receive any submissions from stakeholders on the bill but the Canberra Liberals are pleased to support this bill today.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport Canberra and City Services and Assistant Minister for Health) (5.23), in reply: I thank members for their contribution to the debate on this important bill. This legislation will modernise Canberra's waste industry, achieve better resource recovery rates and make the ACT a cleaner place to live. It will encourage and promote responsible waste management practices and innovative waste industry opportunities and help make our waste sector carbon neutral. It has been developed following extensive industry and community consultation.

This bill will not impact on day-to-day household waste collections, but it will change the way the commercial waste sector operates by introducing incentives to manage the collection, storage, recovery and re-use of waste in the ACT.

This legislation will enable the government to gather data on waste so that we can better understand what happens to our waste and develop strategies to minimise it and to encourage more resource recovery. It will also encourage investment in waste facilities in the ACT to cater for waste streams such as mixed commercial waste and household residual wastes. Currently these are sent to landfill.

This legislation provides stronger encouragement for waste transportation businesses and waste treatment facilities to recycle or re-use their waste rather than simply sending it to landfill. Landfill should only be a destination for waste that cannot be recovered and recycled. That is our long-term objective.

We would like to make it clear to our waste industry that there are savings to be made and opportunities to be seized by engaging in the recycling and recovery of waste. Ultimately, businesses that recycle and recover their waste rather than sending it to landfill will pay less, making it more attractive for waste operators to recycle and recover materials.

Over time, waste charges will change and be aimed at sending effective price signals to industry and the community, and charges will be reinvested into the waste industry.

The bill establishes an effective regulatory framework for waste activity, requiring waste facilities to be licensed and waste transporters to be registered.

Knowledge about what is happening to waste is critical to the development of appropriate waste policy and processes. This legislation will require operators in the commercial waste industry to provide data on their waste activity to government agencies so that we can better understand what happens to our waste and develop strategies to minimise waste generation and encourage the recovery of resources.

Care has been taken to ensure that the licensing and registration requirements can be met with minimal red tape. This bill is a compact but comprehensive model for regulating commercial waste activity in the ACT. It has been drafted to avoid some of the complexity of legislation in larger states to put in place an effective but light-touch regulatory framework for waste management. It establishes a structure for managing waste activity and incorporates a suite of regulatory tools commonly found in this type of legislation.

Agencies will be able to guide and enforce appropriate behaviour in the waste industry and the broader community through a regulatory framework that allows the government to set licensing conditions on waste facilities to manage their risk profile; enhanced powers to identify and impose significant penalties for illegal dumping; charging a levy or some other targeted charge on the collection and disposal of waste, to encourage the recovery and reuse of materials and discourage landfill and to fund an expansion of enforcement and education activities; and, finally, mandatory reporting requirements, allowing improved monitoring of waste activity to better target waste education and enforcement activities.

The intention is that while the legislation will contain general rules about the proper storage, transporting and disposal of waste, only waste management businesses will be covered by the regulatory framework, that is, licensing, registration and reporting.

This legislation represents the waste feasibility study's first suite of recommendations to the government on waste reform. It brings the ACT's statutory framework to the point at which change can be introduced and managed into the future.

Waste management practices and technology have changed significantly in recent years. It is more than 14 years since the Waste Minimisation Act 2001 came into effect. The act is now outdated in its approach and it is inadequate to effectively regulate waste activity in the ACT. It is both the responsibility and the commitment of this government to review and innovate as each opportunity arises to ensure that waste generation falls and continues to fall and that more and more resources are recovered and re-used to protect the environment from the impact of our waste activity.

This is a bill to take waste management in the ACT into the future. It repeals and replaces the Waste Minimisation Act and it responds to the ACT's need to improve its performance and meet community expectations about waste generation, recycling and resource recovery and the overall management of waste practices in the territory.

Through this new legislation, people in the waste management business will be brought within an effective but simple regulatory framework. It will provide for the provision and analysis of waste activity data to better inform future waste strategy and operations. It will provide for enforceable codes of practice which will provide strong guidance to commercial and domestic waste activity; in particular, stockpiling of waste can be properly managed. These codes will also provide an effective tool for managing health and amenity issues such as waste skips in public laneways.

While strong enforcement measures are available, other measures such as undertakings and directions will be used to guide and manage behaviour. And, over time, charging for waste activity will guide community attitudes towards the generation and disposal of waste. In particular, recycling and resource recovery will be encouraged while sending our waste to landfill will be strongly discouraged.

This legislation has been prepared in a way that allows flexibility in regulation, acknowledging the changing nature of technology, policy and practice in this area of administration. It is modern legislation that reflects not only the advances made in regulating waste in other jurisdictions but also the lessons learned in those jurisdictions.

Madam Deputy Speaker, I will take a moment to comment on members' input. I note that the PETAMS committee inquiry into this legislation did not receive any submissions, but I think that is a reflection of the extensive community consultation that has been undertaken during the waste feasibility study and the fact that both the business reference group and the community reference group were involved in the drafting of this legislation and provided comments on early drafts as late as November and December last year. I think the lack of submissions to the inquiry reflected their extensive previous involvement in and satisfaction with what is a very extensive piece of work.

Let me address some of Mr Rattenbury's and Ms Lawder's questions. As I indicated, this is by no means the end of the waste feasibility study. This is just the first suite of recommendations made to the government and brought to this place about how we reform our waste management practices to increase resource recovery and reduce the amount of waste going to landfill. Many of the questions and further comments raised today will be addressed in the future by the government.

I would like to take this opportunity to thank the business and community reference groups for their involvement and input and, in particular, to thank the officials, who have been working very well with both these reference groups and over a long period of time to deliver the significant legislative reform that the Assembly has provided support for today, which I am grateful for. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport Canberra and City Services and Assistant Minister for Health) (5.32): Pursuant to standing order 182A(b), I seek leave to move amendments to this bill which are minor and technical in nature together.

Leave granted.

MS FITZHARRIS: I move amendments Nos 1 to 4 circulated in my name *[see schedule 4 at pages 2389-2390]* and table a supplementary explanatory statement to the government amendments.

The government will be making minor and technical amendments to the bill today in order to clarify the role of the waste regulator and the ability to make certain recommendations.

Following the public release of a discussion draft of this bill in October 2015, extensive consultation with industry agencies and the broader community resulted in a number of significant changes to the draft bill. A prominent issue in discussions was the need to ensure that the legislation is clear in applying the regulatory framework—that is, the licensing, registration and reporting requirements—only to a waste management business. In the final bill, the definitions of "waste activity" and "waste management business" have been refined so that members of the broader community are not covered by provisions intended to apply only to the waste management industry.

It was also important that the bill be drafted as simply as possible. This included a desire to ensure that the functions of the waste manager are expressed broadly, not attempting to describe every strategic and administrative responsibility of the office.

The combined effect of those amendments has affected the power to make regulations relating to the generation, containment and collection of waste in the general community. The Parliamentary Counsel's Office advises that it would be prudent to amend the bill now to make the regulation making power clearer.

It was always intended that the waste disposal content of part 3 of the existing Waste Minimisation Act 2001 would be reproduced, refined and expanded on in this legislation. Not to include these provisions now would be a retrograde step. While this amendment introduces a new part 9A to the bill, it is a technical change to restore clarity in relation to the power to make regulations about ordinary waste containment and collection.

Amendments agreed to.

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

Bill, as amended, agreed to.

Public Sector Management Amendment Bill 2016

Debate resumed from 8 June 2016, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (5.35): Madam Speaker, at the outset I will advise the Assembly that we will not be supporting this bill. We will not be supporting it because it does not actually do what it purports to do. It does not streamline the processes of managing the public service. It does not make it easier for our public servants to do their job. Also, and worse, it attacks the basic right of public servants in new laws which are, to quote the ACT Law Society, unprecedented, draconian and without precedent in Australia. It is a case of Mr Barr saying he is standing up for workers rights but not for the ones that work for him.

The stated aim of this bill is to amend the Public Sector Management Act 1994. The act governs the ACT public service. To understand the importance of this reform, let me quote from the outline in the explanatory statement:

> Since the establishment of the ACT Public Sector (ACTPS) in 1994 and the commencement of the *Public Sector Management Act 1994* … there have been significant changes in culture, structure, administration and expectations of the Service. These developments have in some cases led, and in others followed, developments in other jurisdictions. In that same period, there has also been a growth of regulation governing all private and public sector employers in the arena of workplace rights and obligations.
>
> In the *Governing the City State: One ACT Government—One ACT Public Service* Report released in February 2011, Dr Allan Hawke AC recommended that the PSM Act should be refreshed to better support a modern ACTPS. The current ACTPS employment framework comprises enterprise agreements made under the Fair Work Act 2009 … as the primary source of entitlements for nonexecutive staff … The role of the PSM Act and Standards therefore has been to provide the main source of entitlements for executives, as well as additional rights, protections and entitlements for nonexecutive staff. However, the PSM Act and Standards have not been adequately maintained to complement the changing agreements.

> The resulting complex employment framework has created inconsistent practices across the service and led to confusion about the application of the law, as well as a high administrative burden in managing staff.

Madam Speaker, that is all quoted from the explanatory statement of the bill that is before us, but it is revealing to go back and look at the public sector bill for 2014 introduced by Mr Barr's predecessor, Ms Gallagher, two years ago.

Ms Gallagher's bill was concerned about the same "inconsistent practices across the service" which led to confusion about the application of the law as well as a high administrative burden. It was the same quotes. But it was never presented to the Assembly and did not come into law.

With Ms Gallagher's bill, the first page of her explanatory statement starts off with exactly the same words that I read just a moment ago from this current bill. In other words, for the past two years, we have continued to have the same stated pressing need from this government but nothing has happened.

Let me quote from Dr Hawke again, from 2011. He recommended that the Public Service Management Act should be refreshed to better support the modern ACT public service. To an extent, Ms Gallagher's bill did that. The public sector bill that she proposed replaced the current act, and it did it in 48 pages. Two years later, this current bill that has been tabled by Mr Barr attempts to modernise the old act but does it with a 149-page bill with cobbled together amendments. It is an unlikely recipe for a simple new system.

Let me go back in history. Ms Gallagher's motives for fixing the Public Service Management Act were not entirely based on Dr Hawke's 2011 urgings for good government. The bill came after it was revealed that dozens of executive contracts had never been issued and executive contracts had not been properly tabled in the Assembly, and in some cases were missing. I commend my staff for picking up that error and litigating that issue so successfully. New systems, it was clear, were desperately needed.

We now have a position where, after Dr Hawke's comments in 2011, we have this government putting through this bill with cobbled together amendments after five years of delay and a false start just weeks out from an election.

When we look at the new rules to gag public servants and to force public servants to dob in a mate, we may get some of the inkling of the motive. Two particularly contentious sections of the bill—clause 9, parts (2) and (4)—have caused considerable public and media discussion. They are the so-called dob in a mate clause and gagging clause, the new rules which are an attempt to control disquiet amongst the government's own workforce. They are particularly targeted at people who communicate on social media. The rules shut down whistleblowers with the intended aim of protecting the reputation of the government and presumably its ministers.

The human rights commissioner, Helen Watchirs, is quoted in the *Canberra Times* on 25 July as saying that the laws go further than those applying to federal bureaucrats and possibly conflict with the Human Rights Act, saying:

> … it probably crosses over to the incompatible.

The Assembly's scrutiny of bills committee was also particularly critical of these clauses. The committee seriously questioned whether these clauses were unconstitutional and infringed the implied freedom of political discussion. The ACT Law Society has serious reservations about the bill and recommended that the government delay the introduction of amendments to the act until adequate consideration and consultation on the implications of the provisions had been undertaken.

Dr Watchirs also called for the addition of a public interest defence to better protect workers. She expressed disappointment that the ACT government did not consult with her office over the bill.

The government's response to the public and professional backlash to the bill has been to cobble together some rushed amendments to try to soften the impact on part of the bill. The first draft of the bill said that clause 9 requires a public servant not to cause damage to the reputation of the ACT public service. That is the so-called gagging social media clause. The government now proposes an amendment to this section by substituting words to the effect of acting contrary to values.

Clause 9(4) of the first draft of the bill in effect required a public servant to report another public servant for misconduct. That is the so-called dob in clause. The government now proposes an amendment to this section by substituting words to the effect of acting corruptly or fraudulently. I understand it also requires that that must occur. That obviously becomes an issue when we have a situation, as we are aware of perhaps, where internally within the organisation a member of the public service has lost faith with that organisation and with the management structures and it is better for that individual to make complaints through the public interest disclosure process rather than to people who are part of the very system that they have a concern with.

I am concerned that there are so many concerns with the bill. There was a lack of consultation; this seems to have been a cobbled together process; there are rushed amendments; and this is being done on the eve of the election.

We have significant respect for our public service. I think that the way this whole process has played out—in terms of the time frames, in terms of the various iterations of the bill, in terms of the failure to consult and in terms of the cobbled together amendments—is indicative of the lack of respect that this government has shown its public servants in many ways.

It was in 2011 that Dr Hawke wanted the removal of inconsistent practices across the service and confusion about the application of law. This now has been going on for five years. I am just not confident that this is the right legislation.

We are not prepared to support this bill today. If we form government, we will seek to sit down with the public service, work with the union and make sure that the legislation is done in a collaborative, consultative way without cobbled together amendments. We will fix up what has become this belated attempt to bring in legislation that has been languishing for five years and then, right at the end of this term, being rushed through with amendments after really significant criticism from just about all sectors.

I believe that our public servants deserve better. We will work with them to make sure that an amendment to this act that affects their employment that it is important to get right is done. I am not confident that this bill, as presented with its amendments, achieves that act today.

MR RATTENBURY (Molonglo) (5.45): This is a significant bill for the ACT government in terms of the structure, composition and functioning of the ACT public service. Many of the changes in this bill relate to the new or relatively new structure of our public service, the structure put in place since the review of the ACT government undertaken by Allan Hawke. There has been quite a significant change in how our public service works since 1994 when the Public Sector Management Act was first enacted. There have been many changes to the legislation over the past two decades, but this is probably the most comprehensive overhaul in this time.

To people on the outside, the only noticeable changes would probably be that we now have directorates, not departments, and we have directors-general, not chief executives. But underlying this is quite a shift in structure, following the advice of the Hawke review. We have had a Head of Service in place and a system of directors-general having regular meetings with the Head of Service on a regular basis, that is, the government's strategic board. We also have clusters, whereby directorates with overlapping or aligned areas work together closely to ensure that the government approaches issues with a whole-of-government perspective. These have already been put in place over recent years and that is not what this legislation is directly about. I am just giving the context to this bill, as it is certainly a pertinent part of the story.

This work on the bill itself has been underway for many years, and the first iteration of it was tabled by the previous Chief Minister at the end of 2014. However, I understand that key stakeholders were not satisfied with the level of consultation on the bill and that bill was not progressed. Instead, a further 18 months of consultation was undertaken to work through the areas—largely with the CPSU, as far as I understand—and this bill before us today is the result of that work. Thus I believe that this bill is a good balance of the needs of the ACT government: the need to have a very efficient and functional public sector, a fair amount of the good advice from the Hawke review, and the sanction of the people who will have to work under this legislation, largely represented through the CPSU.

This is a 149-page bill so it is not possible to talk about all the elements of it, but I would touch on what I believe are a couple of key areas of note. The bill embeds the ACT public sector code of conduct and applies the ACT public sector values across

all agencies. The public sector standards commissioner is an important part of this bill and it is pertinent to the discussions we have been having this week about integrity in our public sector.

The bill establishes the public sector standards commissioner, a Chief Minister's statutory appointment, replacing the current Commissioner for Public Administration. The role for the commissioner in investigation of public sector misconduct and public interest disclosures will transfer to the newly created public sector standards commissioner. The other roles that the current Commissioner for Public Administration has will transfer to the Head of Service. The commissioner is established in this bill as independent and cannot be an ACT public servant. At the moment the Commissioner for Public Administration is a part-time role and, as a commissioner, reports directly to the Chief Minister but, as deputy director-general, reports to the Head of Service.

Although I have no specific complaints about the actions and work of those who have held the position in recent times, I think the role will be enhanced by being independent from the public service. This aligns with the position I have discussed over the past few days in this place about the need for an independent integrity commission so the public can be assured that any issues they would like to raise about government management will be independently investigated.

This bill also creates a senior executive service, which includes the Head of Service, the directors-general and executives. This is a new functionality of this legislation and clarifies that the directors-general and the executives report to the Head of Service, and of course the executives also report to their respective directors-general. The Head of Service will sign off on all executive contracts. This is an attempt to break down the silos that are so endemic in public services across the country and, no doubt, across the world.

It is very natural for organisational units to stick together, to work together and to feel defensive about their activities as a unit, but we are trying to work beyond this in the ACT government. We are trying to break down those allegiances that tie to an administrative unit first, and instead encourage a culture of allegiance to and focus on bigger whole-of-government strategic priorities.

I believe that with improved cooperation and collaboration of our senior executive service, we can increase this government's focus on our shared vision for a better Canberra and that we can work together better to achieve the many aims and priorities that the government has in its strategies and plans for our community and our environment. This increased coordination has already commenced with the cluster arrangements that I mentioned earlier.

On another matter, the bill introduces provisions that remove an executive's right to a particular position and instead introduces an enhanced mobility, allowing the Head of Service to ensure that the government is able to better arrange executives so that we are able to divert staffing resources to meet government's needs in strategic areas when they arise. Any proposal to move an executive will need consultation and discussion with the person, as well as the director-general of their directorate and the Head of Service.

Reasons that the Head of Service may end the contract of an executive or director-general are being introduced to the act in this bill, including: loss of eligibility, invalidity, misconduct, Head of Service loss of confidence in the executive, and being surplus to requirements or in the interests of the service. This may sound very severe, but up until now the government has not had the ability to move executives, even when their role has become redundant.

The bill also loosens an employee's attachment to particular offices or positions. I suspect that this was one of the most contentious areas with the CPSU and one of the areas that needed the balance to be just right. The bill does seem to have hit that balance, in that no-one can be just moved. As for executives, for any staff movement to occur, there must be full discussion.

But what this does mean is that when someone has left a position—they may be on extended leave or acting in another position—the government has been stuck in a situation whereby that employee owns that position and no-one else can be given that position. So we have ended up with a situation where people end up acting in that position and then someone is acting in their position and so on. This has given the government very little flexibility which, for a small government, can be unwieldy and inefficient. On the flipside, the bill also ensures that contracts and employment can continue if that is required.

Going hand in hand with enhanced mobility is the introduction of secondment to and from the ACT public sector. Of course, secondment within the public sector—for example, from our public service to one of our commissions or authorities—is already able to occur. Employees coming into our public service from other governments or sectors are taken to be ACT employees in relation to public sector values and principles.

Secondments may also be from our ACT public service to another government or to the private sector. Whilst on external secondment employees do not need to adhere to the ACT public sector values and principles and instead are free to undertake tasks as directed by their seconding employer. This is an innovative reform which will benefit both our public sector and the employees who work in our government but I think also the private sector in terms of having the potential for that mobility, the skill sharing and the understanding of different perspectives and values.

I will return to the issue that will be addressed in the amendments so I can make my remarks now. The key part of these amendments is the changes to the clauses in the bill that were recently publicised in the *Canberra Times* and labelled as "dob in a colleague" clauses. I was very surprised to see this interpretation. The bill was tabled over 18 months ago and the details were worked through with the CPSU over the past year and a half. I had understood that all stakeholders were happy with this version of the bill and so I was surprised that this interpretation was identified so late in the discussion. Given how many people have worked on this legislation, the extensive consultation that has occurred and the work of me and my office in looking at this, we had not understood this interpretation either.

Certainly when it came to my attention I discussed it with the Chief Minister who, of course, has taken action by amending those clauses. As we can see today, I do not think it was ever the government's intention to take that approach and I welcome the fact that the Chief Minister has moved so quickly to address the issue.

The Greens will support the amendment that public servants cannot behave in a way inconsistent with the public sector values or undermine the integrity and reputation of the service. This seems like a reasonable position, which gives sufficient freedom to employees without undermining the integrity of the public service.

In conclusion, I believe that the intention is to commence this bill on 1 September, so that it will be in place by caretaker. The Greens will be supporting this bill. We believe it delivers a number of improvements to the Public Sector Management Act. I have addressed the issue of concern that has been addressed in the amendments. I certainly do not believe it reflected the intent of the government in this legislation. I am pleased it was picked up through that process and there is an amendment in place to fix it. I am pleased to support the bill today.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (5.56), in reply: I thank those members who have spoken on the bill, one more positively than the other, I note, but I am used to that. To recap, the legislation that establishes the public sector and the public service is, of course, the cornerstone by which the government operates. It is in accordance with this legislation that the government provides Canberrans with access to high-quality services and engages and employs those who deliver the services.

In order for the government to deliver on its objectives and to provide the best possible services to the people of Canberra, it is vital that this governing legislation continues to be relevant and continues to be up to date. While the one service model has been successfully introduced, there has been a broader change in the culture and structure of the public sector since 2011. In this context the bill amends the Public Sector Management Act to establish a modern, agile, coherent and streamlined employment framework for the ACT public sector.

The major features of the bill that I highlighted in my introductory speech are to reinforce the one service narrative, to embed ACT public sector values and signature behaviours, to establish the independent office of the public sector standards commissioner, to establish the senior executive service, and a refocusing of the merit principle on outcomes rather than process.

As Mr Rattenbury has foreshadowed in his statements, I will move some amendments in the detail stage that respond to the issues raised in the scrutiny process and, indeed, by stakeholders. I am pleased that the government has been able to move quickly to respond to those concerns, and I will deal with those in the detail stage. But, for now, I will commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

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

Question so resolved in the affirmative.

Bill agreed to in principle.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

Detail stage

Bill, by leave, taken as a whole.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (6.02): Pursuant to standing order 182A(c) and (b) I seek leave to move amendments to the bill that are in response to comments made by the scrutiny committee and are minor and technical in nature together.

Leave granted.

MR BARR: I move amendments Nos 1 to 6 circulated in my name [*see schedule 5 at pages 2390-2391*]. I table a supplementary explanatory statement to the government amendments.

As I foreshadowed in the in-principle debate, since the bill was introduced to the Assembly back in June—two months ago—significant further consultation has occurred with key stakeholders. The Standing Committee on Justice and Community Safety provided extensive comment on the limitations on freedom of speech and political expression imposed by section 9(2)(a) of the bill. The Human Rights Commission expressed similar concerns. The government has taken these concerns on board. Whilst, of course, there was never any intent to gag public servants or limit their ability to appropriately express negative opinions of the government, we are happy to put this beyond any doubt with this amendment.

Amendments 2 and 3 reflect response to concerns raised in regard to the modernisation of language in relation to a public servant's obligation to report any misconduct of which they become aware under section 9(4) of the bill. Some stakeholders viewed this as a significant increase from the previous requirement to

report corrupt or fraudulent conduct. Again, the government has taken this into account. We remain of the view that this clause is an important fraud control and anti-corruption measure. But we are satisfied that the previous language appropriately captures this intent and we have, therefore, amended the language to require reporting of corrupt or fraudulent conduct.

Amendments 4, 5 and 6 relate to some technical difficulties that have arisen since the introduction of the bill. These are in relation to the appointment of the independent public sector standards commissioner. These difficulties stem from federal legislation and associated regulations. The government has, therefore, amended the bill in relation to this appointment to allow for the function to be undertaken by a memorandum of understanding or via an appointment.

Amendment 6 provides a transitional arrangement whereby the current Commissioner for Public Administration is taken to be the public sector standards commissioner until such time as a formal memorandum of understanding is in place. I thank the Assembly in advance for its support of these amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Troy Bailey and New Life Cycle

MR RATTENBURY (Molonglo) (6.06): On 12 July, a very cold Canberra day, I met with mountain biker Troy Bailey who had stopped off in town briefly on his marathon cycling journey around the country. Troy is a former world solo 24-hour champion mountain biker and small business owner from Melbourne with a passion for social justice. Earlier this year he closed his recycled timber design business of 15 years, packed up his workshop, sold all his belongings and set about on an epic plan to circumnavigate the country on his mountain bike to raise awareness of asylum seeker issues.

Troy and his team left Melbourne on 22 June during Australia's Refugee Week and are travelling anti-clockwise around Australia's coast line. On his website you can follow the journey. I understand that he and Chloe, his trail running dog, are now somewhere near Whiporie general store, around 50 kilometres south of Casino in northern New South Wales. When completed the journey will be around 20,000 kilometres and at over 100 kilometres per day should take around 180 days, finishing at around Christmas time.

Troy has a support team including his dad and, of course, his trail running dog, Chloe, who I am assured does get to spend plenty of time resting in the support vehicle. But it would be fair to say that, in the brief demonstration I saw, Chloe is perfectly capable of keeping up with Troy on his bike. He also has a film crew alongside him and aims to produce a documentary as well as sharing the journey on social media networks.

Troy has also founded the not-for-profit organisation New Life Cycle which aims to raise awareness of refugee and asylum seeker issues throughout regional communities and to promote humane alternatives to the current regime of offshore processing for people who seek asylum in Australia.

I was very pleased to meet Troy on his stopover in Canberra. I was inspired by his conviction in taking on such a bold journey to raise awareness of an important issue and one that he will talk to many people about as he travels around the country explaining why he has the position he has. I wish him well on this journey. I hope that he has many tailwinds and finds many fine trails as he makes his way around Australia highlighting this important issue to our community.

Cyprus—42nd anniversary memorial service

MR DOSZPOT (Molonglo) (6.09): On Sunday, 10 June during the Assembly winter break I attended the beautiful ornate St Nicholas Greek Orthodox Church in Kingston at the invitation of Mrs Georgia Alexandrou, President of the Cyprus Community of Canberra and ACT. The occasion was the 42nd anniversary memorial service for Cyprus, which was conducted by Father Petros and was in memory of all those who fought and died in Cyprus in 1974. This was the sixth occasion since 2008, when I was elected to the ACT Legislative Assembly, that I have attended this very moving and emotional service.

The church is always filled to capacity with a large overflow of parishioners having to participate from the front courtyard of the church. It is always good to catch up with so many Canberra friends from the Cypriot and Greek communities and to share this solemn memorial service with them each year.

Each year part of the service also includes a speech by Her Excellency the High Commissioner of Cyprus, Mrs Ioanna Malliotis. I have asked for a copy of her speech, parts of which I will include with her permission in my adjournment speech tonight:

> Today's memorial service (mnimosino) is not only for the resting in peace of the souls of our brothers who gave their lives defending our country on that black July of 1974. It is also for the upgrading and strengthening of our own morale and determination to continue our efforts for finding a just, viable and lasting solution to the Cyprus problem.

Her Excellency continued:

> The day of 20th July 1974 marked the lives of all Cypriots. Unfortunately, 42 years later and despite the numerous resolutions of the UN and the numerous

> efforts of finding a solution of the Cyprus problem, the occupation of almost 37 per cent of Cyprus territory, the division of the island, the violation of human rights, the ethnic cleansing and the cultural destruction and religious desecration still continues.

The speech by Her Excellency Mrs Ioanna Malliotis was well received by the congregation. At the conclusion of the memorial service the parishioners moved to the community hall next door to share refreshments and a good strong Cyprus coffee.

Sadly it would appear that there is no short-term solution to the Cyprus problem; so Cyprus and her local and expatriate community after 42 years are still seeking freedom for Cyprus and restoration of its sovereignty, territorial integrity and a workable and lasting solution.

Olympic Games—local participation

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) (6.11): Madam Speaker, I take the opportunity tonight during the adjournment debate to congratulate ACT athletes who will be representing Australia at the Rio Olympics. I want to congratulate Melissa Breen, who will be competing in athletics, Lauren Wells in athletics, Kelsey-Lee Roberts in athletics, Edwina Bone in hockey, Caroline Buchanan in BMX, Nathan Hart in track cycling, Glenn Turner in hockey, Brendon Reading in athletics and Andrew Charter in hockey.

We are all very proud of our local Canberra athletes and we are very proud of them for making the team. We want to congratulate all of you and your families on this amazing achievement. We understand all of the years of dedication and training that have gotten you to this point.

I would also like to acknowledge all of the staff, volunteers, coaches, family members and friends who will be supporting our ACT athletes in Rio. Congratulations to you all. The whole of Canberra will be cheering you on.

Canberra gang show

MS LAWDER (Brindabella) (6.12): Tonight I would like to take the opportunity to acknowledge Canberra's scouts and guides. On Friday, 15 July I had the privilege of attending this year's Canberra gang show called *The Greatest Earth on Show*. Each time I have attended, the gang show has been fantastic, and this year it was just as good.

It was a show which included 72 scouts and guides and 50 support crew, incorporating scout and guides groups from all over Canberra. It is a lot of people and it takes a huge number of hours to put the show together. Putting together something of this magnitude shows the great team characteristics of our scouts and guides.

The cast and crew were extremely professional and there were many captivating performances. Everyone who I spoke to afterwards, including my colleague Mr Doszpot, who also attended, said how outstanding the show was and how much effort had been invested to ensure that it was a performance like no other. The songs were packed full of energy.

I pay tribute to the scout and guide community for producing and performing a magnificent production which took place over a number of weeks. The level of homegrown young talent we have here in the ACT never ceases to amaze me. It makes me particularly proud of our region and optimistic for its future. Whether it is young people who perform in our schools, local theatres, amateur or professional theatre, Canberra is teeming with young local talent, and it was wonderful to see that on display during this performance.

I would like to acknowledge Leo Farrelly, the President of Scouts ACT, and Elaine Farrelly; Rick Goode, Chief Commissioner of Scouts ACT, and Sue Goode; Phil Oldfield, producer; Evan Long, assistant producer; Matt Mason, business director; Katrina Nash, production director; Richard Surkus, technical director; Julie Long, marketing manager; Caroline Sund, admin manager; Tim Adams, photographer; the Bottom team, who looked after wardrobe; the Cleopatra team for make-up; the Juno team for technical and backstage; the Orsino band; the Prospero team for welfare, front of house, security and catering; the Touchstone production team; the Audrey production support team; the Aemilia cast; the Antonio cast; the Ariel cast; the Duncan cast; the Gertrude cast; the Gonzalo cast; the Titania cast; and the Viola cast.

I also give special acknowledgement to: the ACT branch arts team; Albury gang show; Anthony Shaw and Chait Productions; Canberra Grammar School; Canberra School of Bollywood Dancing; Creative Team 2016; DAMsmart; Mount Rogers Scout Group; Murrungundie district guides; Rob Lang and Adam Wardell; and the Scout Fellowship.

I look forward to many more performances from our scouts and guides, and I commend all those involved in its most recent production, *The Greatest Earth on Show*.

I also would like to acknowledge the families of the scouts and guides, who obviously had to put a lot of effort into getting their kids back and forth for rehearsals as well as the productions.

Well done to everyone who attended. One of the songs that was sung in the show was called "The world is ours". It was very apt that these scouts and guides who are going to be our leaders of the future really demonstrated that the world is going to be theirs.

Question resolved in the affirmative.

The Assembly adjourned at 6.17pm until Tuesday, 9 August 2016, at 10 am.

Schedules of amendments

Schedule 1

Crimes (Serious and Organised Crime) Legislation Amendment Bill 2016

Amendments moved by the Attorney-General

1
Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

(1) This Act (other than part 2) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

(2) Part 2 (other than sections 7 and 8) commences on 1 May 2017.

(3) Sections 7 and 8 commence on the later of—

(a) 1 May 2017; and

(b) the commencement of the *Family Violence Act 2016*, section 3.

2
Clause 3
Page 2, line 20—

insert

- *Firearms Act 1996*

3
Clause 6
Proposed new section 44 (3)
Page 3, line 19—

omit everything after

accused

substitute

person—

(a) within 2 hours after the decision is made; or

(b) if the decision is made between 4pm on a day and 8am the next day (***day 2***)—by 10am on day 2 (whether or not it is a working day).

4
Clause 6
Proposed new section 44 (5) (d)
Page 4, line 11—

omit

72 hours

substitute

48 hours

5
Clause 6
Proposed new section 44 (6)
Page 4, line 14—

omit

6
Proposed new clause 6A
Page 5, line 5—

insert

6A New section 44A

insert

44A Review of s 44

(1) The Minister must review the operation of section 44 as soon as practicable after the end of its 2nd year of operation.

(2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.

(3) This section expires 3 years after the day it commences.

7
Clause 10
Proposed new section 175 (1A)
Page 7, line 9—

insert

(1A) However, this section does not apply to a person who (whether part of a group or not) is—

(a) picketing a place of employment; or

(b) demonstrating or protesting about a particular issue; or

(c) speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is apparently intended to publicise the person's view about a particular issue.

8
Proposed new part 7A
Page 19, line 22—

insert

Part 7A Firearms Act 1996

30A New section 23A

in part 3, insert

23A Application of Act to imitation firearms

(1) This Act applies to an imitation firearm in the same way as it applies to a firearm, subject to the following:

(a) the registrar must not issue a licence for the possession or use of an imitation firearm (except to a firearms dealer);

(b) the registrar may issue a permit for the possession or use of an imitation firearm;

(c) an imitation firearm is not required to be registered.

(2) For the application of this Act to an imitation firearm—

(a) an imitation firearm that is an imitation of a pistol is taken to be a pistol; and

(b) an imitation firearm that is an imitation of a prohibited firearm is taken to be a prohibited firearm.

(3) In this Act:

***imitation firearm*—**

(a) means something that, regardless of its colour, weight or composition or the presence or absence of any moveable parts, substantially duplicates in appearance a firearm but is not a firearm; and

(b) includes something that the registrar declares to be an imitation firearm under section 31.

(4) However, ***imitation firearm*** does not include—

(a) something that is produced and identified as a children's toy; or

(b) something prescribed by regulation not to be an imitation firearm; or

(c) something declared not to be an imitation firearm under section 31.

30B Firearms declarations by registrar
Section 31 (1) (a)

substitute

(a) declare something to be a firearm or imitation firearm;

30C Section 31 (1) (c)

substitute

(c) declare that something is not a firearm, imitation firearm or prohibited firearm.

30D Offence—Unauthorised possession or use of prohibited firearms
Section 42 (b)

before

firearms

insert

prohibited

30E Prohibited firearms
Schedule 1, item 19

substitute

19	a replica of any firearm (including a replica pistol, blank fire pistol, paintball marker, shortened firearm, machine gun or submachine gun) unless it is of a type approved by the registrar

30F Dictionary, new definition of *imitation firearm*

insert

imitation firearm—see section 23A.

Schedule 2

Crimes (Serious and Organised Crime) Legislation Amendment Bill 2016

Amendments moved by Mr Rattenbury

1
Clause 10
Proposed new section 180
Page 9, line 25—

insert

180 Exclusion directions—annual report

(1) The Minister must prepare a report for each calendar year about the exclusion directions given during the year.

(2) The report must set out the following information about the exclusion directions:

(a) how many directions have been given in total;

(b) how many orders have been given to—

(i) Aboriginal and Torres Strait Islander people; and

(ii) children;

(c) the kind of conduct the directions have been given in relation to.

(3) The Minister must present the report to the Legislative Assembly within 3 months after the end of the calendar year to which the report relates.

2
Proposed new clause 30A
Page 19, line 22—

insert

30A New section 26A

in part 3.4, insert

26A Non-association and place restriction orders—annual report

(1) The Minister must prepare a report for each calendar year about the non association orders and place restriction orders made during the year.

(2) The report must set out the following information about the non association orders and place restriction orders:

(a) how many orders have been made in total;

(b) how many orders have been made in relation to—

(i) Aboriginal and Torres Strait Islander people; and

(ii) young offenders;

(c) the kind of offences the orders have been made in relation to.

(3) The Minister must present the report to the Legislative Assembly within 3 months after the end of the calendar year to which the report relates.

Schedule 3

Discrimination Amendment Bill 2016

Amendments moved by Mr Rattenbury

1
Clause 9
Proposed new section 67A (1) (da)

Page 8, line 10—

insert

(da) religious conviction;

2
Schedule 1, part 1.1
Amendment 1.1
Proposed new section 750 (1) (c) (iva)
Page 24, line 18—

insert

(iva) religious conviction;

3
Schedule 1, part 1.1
Amendment 1.1
Proposed new section 750 (2), new definition of *religious conviction*
Page 25, line 20—

insert

religious conviction—see the *Discrimination Act 1991*, dictionary.

Schedule 4

Waste Management and Resource Recovery Bill 2016

Amendments moved by the Minister for Transport Canberra and City Services

1
Proposed new part 9A
Page 40, line 6—

insert

Part 9A Waste storage and collection

62A Definitions—pt 9A

In this part:

store includes keep.

waste does not include—

(a) sewage; or

(b) a thing prescribed by regulation.

waste collection service means a service for collecting waste.

62B Waste collection service

(1) The waste manager may—

(a) establish a waste collection service in the Territory, in accordance with a regulation; and

(b) direct that waste collected by a waste collection service be reused, recycled or used as landfill.

Note Words in the singular number include the plural (see Legislation Act, s 145 (b)).

(2) A regulation may make provision in relation to the following:

(a) collection or disposal of waste;

(b) eligibility to operate a waste collection service;

(c) operation of a waste collection service, including responsibilities and liabilities of the service;

(d) storing waste for collection by a waste collection service, including requirements relating to the use or maintenance of containers for storing waste;

(e) entry of people on land for a purpose under this part.

2
Dictionary, proposed new definition of *store*
Page 90, line 3—

insert

store, for part 9A (Waste storage and collection)—see section 62A.

3
Dictionary, definition of *waste*
Page 90, line 7—

omit the definition, substitute

waste—

(a) for this Act generally—see section 10; and

(b) for part 9A (Waste storage and collection)—see section 62A.

4
Dictionary, proposed new definition of *waste collection service*
Page 90, line 8—

insert

waste collection service, for part 9A (Waste storage and collection)—see section 62A.

Schedule 5

Public Sector Management Amendment Bill 2016

Amendments moved by the Chief Minister

1
Clause 6
Proposed new section 9 (2) (a)
Page 5, line 19—

omit proposed new section 9 (2) (a), substitute

(a) behave in a way that—

(i) is inconsistent with the public sector values; or

(ii) undermines the integrity and reputation of the service; or

2
Clause 6
Proposed new section 9 (4)

Page 6, line 19—

omit

misconduct

substitute

corrupt or fraudulent conduct

3
Clause 6
Proposed new section 9 (4) (b)
Page 6, line 22—

omit

misconduct

substitute

corrupt or fraudulent conduct

4
Clause 54
Proposed new section 142 (1)
Page 64, line 14—

omit

must

substitute

may

5
Clause 54
Proposed new section 142A
Page 65, line 2—

insert

142A Arrangements for commissioner from another jurisdiction to exercise functions

If an appointment is not made under section 142, the Chief Minister must make arrangements for the commissioner (however described) responsible for exercising functions under a Commonwealth or State law that substantially correspond to this Act to exercise 1 or more of the functions of the commissioner.

Note The functions of the commissioner include functions under other laws applying in the territory (see s 143 (1) (d)), for example functions under the *Public Interest Disclosure Act 2012*.

6
Clause 65
Proposed new section 293A
Page 82, line 18—

insert

293A Existing appointment of Commissioner for Public Administration

(1) This section applies to a person who, immediately before the commencement day, was the Commissioner for Public Administration.

(2) The person is taken to be appointed as the commissioner under section 142 (Appointment of commissioner).

(3) However, if the person is a public servant, section 142 (2) does not apply.

Answers to questions

National Multicultural Festival—costs (Question No 733)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

Further to the answer to Question No. 710 which advised that $60,100 was budgeted for media and promotion for the National Multicultural Festival, how much was spent on media and promotion for the National Multicultural Festival in

(a) 2015,
(b) 2014,
(c) 2013 and
(d) 2012.

Ms Berry: The answer to the member's question is as follows:

Question No. 710 referred to the budgeted amount, not the actual expenditure. To answer this question more specifically would require an unreasonable diversion of staff resources and involve retrieving archived documentation for the years requested.

Generally, expenditures for the promotion and media for the Festival have fluctuated between $30,000 and $60,000 each year.

National Multicultural Festival—costs (Question No 734)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

(1) Further to the answer to Question No. 710 which advised that $45,000 was budgeted for professional headline performers and associated costs and $60,000 for the opening concert and carnival cultural performers, how much was spent on professional headline performers/celebrity appearances for the National Multicultural Festival in

(a) 2015,
(b) 2014,
(c) 2013 and
(d) 2012.

(2) What comprises "associated costs" in the statement "professional headline performers and associated costs".

(3) How much was spent on the opening concert for the National Multicultural Festival in
(a) 2015,
(b) 2014,
(c) 2013 and
(d) 2012.

(4) Were the costs associated with the "carnival cultural performers" just in relation to the opening concert or for the entirety of the festival.

Ms Berry: The answer to the member's question is as follows:

(1) Question No. 710 refers to the budgeted amount, not the actual expenditure. To answer this question more specifically would require an unreasonable diversion of staff resources and involve retrieving archived documentation for the years requested.

(2) Associated costs for professional headline acts involve transport, accommodation, and refreshments.

(3) Question No. 710 refers to the budgeted amount, not the actual expenditure. To answer this question more specifically would require an unreasonable diversion of staff resources and involve retrieving archived documentation for the years requested.

(4) These costs associated with the 'carnival cultural performers' are in relation to the first two days of the National Multicultural Festival.

National Multicultural Festival—non-government contributions (Question No 735)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

(1) Did the answer to Question No. 679 advise that the "total cash amount received in the 2015-2016 Budget for the National Multicultural Festival is $0.475m in addition to cash raised from the stall holders and sponsors to meet the cost of the event" and that the private sector contributed $0.165m (incl. GST) to the 2016 National Multicultural Festival.

(2) Did the answer to Question No. 624 advise that the total annual budget for the 2016 National Multicultural Festival was $995 230.69.

(3) What can the budget difference of $520 230.69 be specifically attributed to.

(4) Which private sector entities contributed $0.165m and why did the private sector contribute this amount.

(5) Has the private sector contributed any amounts to the festival in previous years; if so, how much.

Ms Berry: The answer to the member's question is as follows:

(1) Yes.

(2) Yes.

(3) The budget difference referred to in the question is incorrect. The budget difference taking into account the cash amount received in the 2015-2016 Budget and the private sector contribution is $355,230.69. This amount can be attributed to sponsorship and stall fees.

(4) The following organisations provided sponsorship:
a. Wakefield Corp Pty Ltd;
b. Canberra CBD;
c. Malaysian High Commission;
d. Kenya Tea;
e. IGA;
f. Indonesian Embassy;
g. Fiesta Events & Catering;
h. Icon Water;
i. Tabcorp; and
j. Australian Federal Police.

The motivation for these organisations to financially support the festival is not known in every case but for some it was their desire to be aligned to one of Canberra's most successful events and others wished to have a larger presence on the footprint.

(5) The private sector has contributed financial sponsorship to the National Multicultural Festival during the past 20 years. For example, in the relatively recent past IKEA provided $20,000 and the Direct Factories Outlet (DFO) provided $15,000.

National Multicultural Festival—costs (Question No 736)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

Further to the answer to Question No. 624 which advised that the budget for the insurance for the 2016 National Multicultural Festival was $11,904,

(a) which insurance company is covering the festival,
(b) what is covered under the agreement and
(c) what is not covered.

Ms Berry: The answer to the member's question is as follows:

(a) AON Risk Services Australia Limited.

(b) From the policy: "Performance risk of specified uninsured performers engaged by the insured at the National Multicultural Festival. Cover extends to specified uninsured stall holders. To cover the Insured's legal liability to pay compensation to third parties for personal injury and / or property damage caused by an occurrence in connection with the Insured's activities as described above."

(c) The liabilities in relation to key activities involving performers and stallholders are covered by the insurance policy as described in (b) above.

National Multicultural Festival—costs (Question No 737)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

(1) Did the answer to Question No. 59 advise that the total cost of the 2011 National Multicultural Festival was $622,388 and the 2012 National Multicultural Festival was $808,211

(2) Did the answer to Question No. 624 advise that the total annual budget for the 2016 National Multicultural Festival was $995,230.69

(3) What was the total cost for the 2013 Multicultural Festival, broken down into line items, including (a) equipment hire, (b) insurance costs, (c) entertainment costs, (d) payment of staff to be at the festival, (e) security, (f) food and health inspectors and (g) any other costs.

(4) What was the total cost for the 2014 Multicultural Festival, broken down into line items, including (a) equipment hire, (b) insurance costs, (c) entertainment costs, (d) payment of staff to be at the festival, (e) security, (f) food and health inspectors and (g) any other costs.

(5) What was the total cost for the 2015 Multicultural Festival, broken down into line items, including (a) equipment hire, (b) insurance costs, (c) entertainment costs, (d) payment of staff to be at the festival, (e) security, (f) food and health inspectors and (g) any other costs.

(6) What caused the increase in cost from $622,388 in 2011 to a budget of $955,230.69 in 2016.

(7) How many stalls were at the National Multicultural Festival in (a) 2011, (b) 2012, (c) 2013, (d) 2014, (e) 2015 and (f) 2016.

Ms Berry: The answer to the member's question is as follows:

(1) Yes.

(2) Yes.

(3) The total expenditure on the 2013 National Multicultural Festival was $954,567. To answer this question more specifically would require an unreasonable diversion of staff resources and involve retrieving archived documentation for the years requested.

(4) The total expenditure on the 2014 National Multicultural Festival was $1,077,966. To answer this question more specifically would require an unreasonable diversion of staff resources and involve retrieving archived documentation for the years requested.

(5) The total expenditure on the 2015 National Multicultural Festival was $1,109,835. To answer this question more specifically would require an unreasonable diversion of staff resources and involve retrieving archived documentation for the years requested.

(6) The increase in the cost of the National Multicultural Festival during the period 2011 to 2016 can be attributed to several factors including: increased community participation resulting in substantial increase in the amount of required infrastructure and the increase in the cost of infrastructure over the five year period.

(7)
(a) – 305.
(b) – 330.
(c) – 420.
(d) – 380.
(e) – 350.
(f) – 463.

National Multicultural Festival—costs (Question No 738)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

What was the total cost of the equipment hire for the 2015 Multicultural Festival and (a) which businesses supplied the equipment, (b) which businesses supplied which materials and (c) how much was each business paid for these supplies.

Ms Berry: The answer to the member's question is as follows:

(a) Mashera Pty Ltd (trading as Barlens); Affinity (Electricity); Eclipse (Light & Sound); and MIC Technologies.

(b) Mashera Pty Ltd supplied stalls and stages; Affinity (Electricity) supplied light and power to each stall; Eclipse (Light & Sound) supplied the sound and light to the stages; and MIC Technologies supplied the large screens on the footprint.

(c) The following payments were made:

- Mashera Pty Ltd (trading as Barlens) - $254,083;
- Affinity (Electricity) - $145,080;
- Eclipse (Light & Sound) - $89,458; and
- MIC Technologies - $10,120

Office of Multicultural Affairs—staffing (Question No 739)

Mrs Jones asked the Minister for Multicultural and Youth Affairs, upon notice, on 2 May 2016:

(1) How many (a) full time, (b) part time, (c) casual and (d) contracted employees are currently employed at the Office of Multicultural Affairs.

(2) How many (a) full time, (b) part time, (c) casual and (d) contracted employees were employed at the Office of Multicultural Affairs at 1 February 2014.

Ms Berry: The answer to the member's question is as follows:

(1) The Community Participation brings together a number of functions under one umbrella. The Group includes the functions Community Recovery, Youth Engagement, Office for Ageing, Office for Women and the Office for Multicultural Affairs. Within the same Output 3.1 is the Office for Aboriginal and Torres Strait islander Affairs, the Community Development Grant Scheme and previously Community Facilities.

The Community Participation Group has changed over the last few years based on organisational needs, but has also aligned with a general theme of optimising community participation and community engagement. As outlined during the Estimates Hearings the resources are largely pooled and this found to be an effective use of resources given that the policy work and engagement activities can be episodic.

For this reason the figures provided for the Community Participation subunits are notional because staff in each area of the Community Participation Group work across other program areas on an as needs basis. Therefore these numbers are difficult to compare across the years.

There are currently 23.15 staff employed on a Full-Time Equivalent basis within the Community Participation Group.

(2) As at 1 February 2014, there were a total of 23.15 staff employed on a Full-Time Equivalent basis within the Community Participation Group.

ACTION bus service—bus stops (Question No 753)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 5 May 2016:

(1) What was the number of bus stops in Canberra serviced by a Weekday, Saturday, Sunday, Rapid or Xpresso route in (a) May 2014 and (b) May 2016.

(2) What was the number of bus stops in Canberra serviced by a school route service in (a) May 2014, (b) May 2015 and May 2016.

Ms Fitzharris: The answer to the member's question is as follows:

(1) The number of bus stops in Canberra serviced by a Weekday, Saturday, Sunday, Rapid or Xpresso route in
(a) May 2014 was 2,770
(b) May 2016 was 2,595

(2) The number of bus stops in Canberra serviced by a school route service in
(a) May 2014 was 2,668
(b) May 2015 was 2,572
(c) May 2016 was 2,574

Multicultural affairs—community radio station (Question No 755)

Mrs Dunne asked the Minister for Multicultural and Youth Affairs, upon notice, on 7 June 2016:

(1) How much grant or other funding did the ACT Government provide to the Canberra Multicultural Service community radio station in (a) 2012-13, (b) 2013-14, (c) 2014-15 and (d) 2015-16.

(2) Was any of the funding in each year for specific purposes.

(3) What conditions did the funding in each year carry and did the station comply with those conditions.

(4) How did the Government respond to any instances of non-compliance with conditions.

(5) What acquittal requirements did that funding carry and did the station comply with all acquittal requirements.

(6) How did the Government respond to any instances of non-compliance with acquittal requirements.

Ms Berry: The answer to the member's question is as follows:

(1) The ACT Government provided the following grant funding to the Canberra Multicultural Service community radio station:

(a) $9,330.00;
(b) Nil;
(c) Nil; and
(d) Nil.

(2) In 2012-13 funding was provided to assist with training and workshops for broadcasters at the station.

(3) The conditions of the funding included:

- the station must either have a Community Radio Broadcasting licence or a Temporary Community Radio Broadcasting licence or a Special Events licence;
- the station be based in and broadcast primarily in the ACT;
- the station provide significant support to programs produced by multicultural community broadcasters;
- the station has submitted any previous acquittal reports to the Office of Multicultural Affairs; and
- that the application has been signed by an authorised person of the station.

The Canberra Multicultural Service complied with these conditions.

(4) The Canberra Multicultural Service complied with the conditions for the funding period 2012-13.

(5) There was a requirement that the acquittal form be completed by the Canberra Multicultural Service and they complied with this requirement.

(6) There was not any instance of non-compliance in relation to the 2012-13 funding.

Roads—traffic lights (Question No 756)

Mrs Dunne asked the Minister for Transport and Municipal Services, upon notice, on 7 June 2016:

(1) What is the Government's contingency plan in the event of an operational failure, either in whole or in part, in the series of traffic lights to be installed on the roundabout at the intersection of Barton Highway, William Slim Drive and Gundaroo Drive.

(2) What is the planned call-out and repair time in the event of an operational failure, either in whole or in part, in the traffic lights.

(3) What is the planned maintenance program for the traffic lights.

(4) What is the budget for installation of the traffic lights.

(5) What is the recurrent budget for operation and maintenance of the traffic lights.

(6) What traffic management arrangements will be in place during installation.

(7) Will the traffic lights sequencing arrangements be set to suit varying traffic flows.

(8) What operational monitoring of the traffic lights will be implemented after the traffic lights are commissioned into service and at what times will monitoring be undertaken.

(9) Will sequencing arrangements be modified in light of monitoring activities.

Ms Fitzharris: The answer to the member's question is as follows:

(1) If the traffic lights were to fail then the give way to the right rule applies which effectively means the intersection would operate as a roundabout. Police intervention may be required in some situations. However, this would be a decision for ACT Policing.

(2) The maintenance response times for intersection will be the same as all other traffic light controlled intersections in the ACT ie within 60 minutes for major faults, eg lights blacked out or flashing. It is not possible to specify the repair time as that will depend on the nature of the fault.

(3) Routine and non routine maintenance arrangements will be as per all other traffic lights in the ACT ie within 60 minutes for major faults, eg lights blacked out or flashing. It is not possible to specify the repair time as that will depend on the nature of the fault.

(4) The project budget for the signalisation of the Barton Highway intersection upgrade is $10 million. The construction line item for supply of the traffic signals is $400,000.

(5) Annual costs for maintenance, electricity and telecommunications will be approximately $4,620.

(6) Temporary Traffic Management arrangements will be in place during the installation of the traffic signals to ensure all vehicles movements are maintained.

(7) Yes.

(8) The traffic lights will be connected to the ACT's central signal control system which is an adaptive system that automatically adjusts timings to accommodate varying traffic flows. In addition staff from Roads ACT will monitor operations on site during morning and afternoon peak periods.

(9) Yes, if required.

Women—ACT Women's Plan 2010-2015 (Question No 757)

Mrs Jones asked the Minister for Women, upon notice, on 7 June 2016:

(1) In relation to the ACT Women's Plan 2010-2015, were the commitments to provide sex disaggregated data upheld on time, every time; if so, are the results publicly available.

(2) Were the commitments to deliver two progress reports, one by November 2012 and the other by 2014, upheld on time, each time.

(3) How is the ACT Government currently assessing the outcomes of the objectives as set out in the ACT Women's Plan 2010-2015.

(4) How, and in line with the objectives set out in the ACT Women's Plan, has the Government provided (a) mentoring and leadership opportunities to women from culturally and linguistically diverse backgrounds and (b) flexible employment opportunities for women entering or re-entering the workforce.

Ms Berry: The answer to the member's question is as follows:

(1) Yes, sex disaggregated data was provided in the two progress reports against the *ACT Women's Plan 2010-15* and *A Picture of Women in the ACT*. The reports are available at www.communityservices.gov.au

(2) The first progress report against the ACT Women's Plan was delivered in November 2012 and the second was delivered in May 2015.

(3) A new ACT Women's Plan is currently being developed, taking into consideration feedback on the outcomes of the previous Women's Plan.

(4) In line with the objectives under the heading 'Economics' of the ACT Women's Plan 2010-15 the ACT Government delivers the following:

a) mentoring and leadership opportunities for women from culturally linguistically diverse backgrounds through the Work Experience and Support Program (WESP) and the Audrey Fagan Women's Leadership Program and the ACT Women's Grants; and
b) flexible employment opportunities for women entering or re-entering the workforce through the ACT Women's Return to Work Grants Program and the CIT Return to Work course.

Health—adult mental health unit (Question No 758)

Mrs Jones asked the Minister for Health, upon notice, on 7 June 2016:

(1) Further to the answer to Question No. 621, can the Minister confirm that the Adult Mental Health Unit has a total of 35 available inpatient beds for acute care, with an annual operating budget of $8.62 million, which is a cost of $246 286 per bed per year.

(2) Can the Minister has confirm that Ward 2N at Calvary Hospital has a total of 19 available inpatient beds for acute care, with an annual operating budget of $2.19million, which is a cost of $115 263 per bed per year.

(3) Why is it that the Government manages acute care for mentally ill patients at a cost of over double that of Calvary Hospital.

(4) How does the day-to-day functioning of the Adult Mental Health Unit differ to that of Ward 2N at Calvary Hospital.

Mr Corbell: The answer to the member's question is as follows:

(1) I can confirm the Adult Mental Health Unit (AMHU) has a total of 35 funded inpatient beds for acute care. The annual operating budget for the AMHU is $8.62 million, which is a cost of $246,286 per bed per year.

(2) I can confirm that Ward 2N has a total of 19 inpatient beds. The total 2015-16 annual operating budget is $2.19 million which equates to a figure of $115,263 per bed per year (based on the rounded budget figure).

(3) The AMHU admits patients who are of higher clinical acuity than those admitted to Ward 2N. Additionally, most of the admissions to AMHU are involuntary, in accordance with the detention and treatment provisions under the *Mental Health Act 2015*. Until March 2016, people needing involuntary care were unable to be admitted to Ward 2N.

The level of acuity the AMHU patient group is at the most severe end of the psychiatry spectrum. AMHU is the "intensive care" equivalent for mental health care in the ACT. People admitted to AMHU require intensive treatment in order to reduce significant risk of harm to themselves or to other people. The clinical management and containment this cohort of people require means they are unable to be managed within an open ward environment. Calvary Ward 2N is an open ward.

The AMHU has a purpose built 10 bed High Dependency Unit (HDU). This is a highly robust, custom designed and built area and low stimulus area within the AMHU. The majority of people admitted to the HDU are receiving involuntary care and require intensive treatment due to their acute mental health symptoms, their high clinical risk or significant behavioural disturbance.

The HDU requires a high number and seniority level of staff (both medical and nursing) to allow for the high intensity care required. Additionally, the Low Dependency Unit has a high level of staffing in comparison with the staffing needs of a lower acuity unit such as Ward 2N.

Additional costs are associated with the intensive therapeutic group program provided within the AMHU. The majority of AMHU inpatients have restricted leave due to the acute nature of their illness or due to legislative obligations. This intensive program is reliant on an extensive allied health team to ensure access to therapeutic and psychosocial rehabilitation activities essential for individual recovery. As Ward 2N is considered an "open ward" the majority of admitted people are free to access leave from the unit supporting their attendance in activities and private psychological sessions.

(4) The AMHU is a purpose built, locked facility offering high dependency and low dependency clinical environments. Prior to March 2016, Ward 2N has transferred the care of people presenting to the hospital requiring treatment under the emergency detention provisions of the Mental Health legislation to the AMHU. Under the new *Mental Health Act 2015*, Ward 2N is now gazetted and able to provide treatment and care for this patient group. The physical design of the unit however does not support high dependency care; therefore people requiring intensive clinical intervention or containment under the Mental Health legislation continue to be transferred to and treated within the AMHU.

Sport—Canberra International Sports and Aquatic Centre (Question No 759)

Mrs Jones asked the Minister for Transport and Municipal Services, upon notice, on 7 June 2016 *(redirected to the Minister for Sports and Recreation)*:

What was the cost for the Canberra International Sports and Aquatic Centre (CISAC), Belconnen of the (a) land, (b) construction, (c) equipment required to build the Centre and (d) ongoing maintenance costs for each year over the past five years.

Ms Berry: The answer to the member's question is as follows:

CISAC is a privately owned and operated facility. Under a Public-Private Partnership arrangement, the ACT Government provided Sports Centres Australia with a $10 million (GST exclusive) grant towards the construction of the facility in 2002. The grant was provided on the condition that it was expended on the construction of the core aquatic facilities (being a 50 metre pool; spectator seating; timing equipment and PA system; and 25 metre program pool), which are to be provided on the site for at least 30 years – commencing from the date of practical completion on 18 January 2005.

As the facility is privately owned and operated, the Territory cannot comment on the cost of the land; construction; equipment required to build the facility; and the ongoing maintenance costs over the past five years, as this is a matter for Sports Centres Australia.

Planning—Coombs shopping centre (Question No 760)

Mrs Jones asked the Minister for Planning and Land Management, upon notice, on 7 June 2016:

(1) Further to a *Canberra Times* article of 10 May 2016, which states, "the Environment and Planning Directorate has twice knocked back a development application for the proposed centre" for the Molonglo Valley Shopping Centre, can the Minister provide the reasons why the Directorate has rejected two development proposals for a shopping centre at Coombs.

(2) How long has the approval process taken until now, including when the (a) first development application was submitted and rejected and (b) second development application was submitted and rejected.

(3) Is there another development application currently under assessment by the Directorate and does the Directorate has a timeframe in which they will have this development application approved.

(4) How long does the Directorate envisage complete construction of the shopping centre will take once approved.

(5) What alternative services does the Directorate suggests residents use in the Coombs and Molonglo Valley area until such time as the centre has been built.

Mr Gentleman: The answer to the member's question is as follows:

(1) A development application for the Coombs local shopping centre was refused by the planning and land authority on 4 January 2016, primarily due to poor design

The proposal did not meet the requirements of the Territory Plan or *Planning and Development Act 2007* and was not considered to present an attractive, safe or suitable shopping centre for the community.

The authority also had concerns about safe pedestrian movement and access for the mobility impaired.

A reconsideration application was then lodged which also failed to addresses these issues and was refused on similar grounds on 18 March 2016.

(2) The original development application was received on 12 October 2015 and the decision to refuse the application was made on 4 January 2016, following a request for additional information and within the statutory timeframe.

The reconsideration application was received on 19 February 2016 and the decision was made on 18 March 2016, within the statutory timeframe.

(3) There is no current development application under assessment, however the authority has been in discussion with the proponent to progress development on this site as soon as possible. On 9 June 2016, the proponent appealed the decision of the planning and land authority and the decision will now be reviewed by the ACT Civil and Administrative Tribunal.

(4) It is expected that the developer is ready to commence works as soon as a proposal is approved. Development approvals in the ACT usually require works to commence within two years, however it is expected that the shopping centre will be constructed within this time.

(5) Whilst the Government wishes to facilitate delivery of a centre in the shortest possible time, it also has a duty to ensure future residents within the new suburbs for Molonglo Valley receive an appropriate quality of development, which complies with the Territory Plan and the *Planning and Development Act 2007*.

Roads—streetlight maintenance (Question No 761)

Mrs Jones asked the Chief Minister, upon notice, on 7 June 2016 *(redirected to the Minister for Transport and Municipal Services)*:

Further to the answer to a Question Taken on Notice on 6 April 2016 which stated that "The cost of streetlight maintenance in 2014-15 was $7.64 million for repairs and maintenance", how many streetlights were repaired or subject to maintenance in 2014-15.

Ms Fitzharris: The answer to the member's question is as follows:

14,870 streetlights were reported for repair in 2014-15.

Roads—active travel (Question No 762)

Mrs Jones asked the Minister for Transport and Municipal Services, upon notice, on 7 June 2016:

Further to the answer to Question No. 730, relating to the Age-Friendly Suburbs Active Travel Project, which stated that "each of the suburbs was allocated $250,000 for investigations, design and construction of the upgrades", can the Minister detail what the upgrades consist of and what the money will be spent on in (a) Ainslie, (b) Weston, (c) Kaleen and (d) Monash.

Ms Fitzharris: The answer to the member's question is as follows:

The project will deliver infrastructure and open space improvements to make active travel (such as walking) easier, convenient and more accessible for older residents to move in and around their suburb.

Community consultation and site investigations inform a priority list of upgrades to be constructed for each suburb, which includes elements such as:

- Footpath improvements to achieve compliance with current standards and so provide people with easier routes for moving around their suburb. This could include footpath widening, removal of trip hazards and completing missing links in the footpath network.

- Road crossing improvements such as kerb ramp upgrades to comply with current standards as well as new and upgraded refuge islands.

- Bus stop improvements such as improving access to the bus shelter and providing seating.

- Open space amenity improvements such as providing more rest points, way finding signs, landscape maintenance and improved lighting.

Ainslie (a) and Weston (b) improvements

The project is currently at the tender assessment phase, with final scope to include as many of the priority improvements for construction within the budget and relative to tender price. Priority list for Ainslie is at **Attachment A** and Weston is at **Attachment B**.

Kaleen (c) and Monash (d) improvements

The community consultation for active travel improvements in Monash and Kaleen was undertaken earlier this year in March. The priority improvements for Monash and Kaleen will be made available upon completion of the preliminary sketch plans, in August 2016.

Attachment A – Ainslie improvements to be constructed

Map reference	Location	Issue	Improvement
Crossing improvements			
C1	Wakefield Avenue/Wakefield Gardens	Long road crossing distance and non compliant kerb ramp	Realignment of crossings and new kerb ramps
C2	Cowper Street/Sherbrooke Street	Long road crossing distance	Realignment of kerb ramps
C4	Cox Street/Campbell Street	No corresponding kerb ramp and path on the other side of street	New kerb ramp and footpath link
C5	Cowper Street/Bonney Street/Foveaux Street	Complicated intersection crossing	New alignment of road crossings and footpath
C6	Lister Crescent/Chisholm Street	No corresponding path through traffic island	New refuge island

Footpath improvements			
P1	Northern footpath on Wakefield Avenue (Angus Street to Wakefield Gardens)	High pedestrian traffic that is too narrow to allow easy passage Existing footpath in poor condition	New 1.5 metre footpath including kerb ramps
P2	Wakefield Gardens Park	High pedestrian traffic has eroded grass creating uneven surfaces Footpath is narrow and difficult for cyclists and mobility device users to turn	Areas to be filled to provide users with a wider turning circle
P3	Hawdon Street	Difficult intersection crossings	Realignment of crossings and new kerb ramps
P5	Suttor Street and O'Connell Street	High pedestrian traffic that is too narrow to allow easy passage Existing footpath in poor condition	Construction of new 1.5 metre footpath including kerb ramps where required
P6	Cox Street and O'Connell Street	As above	As above
P7	Cowper Street and Bonney Street	Missing link in community path	New 1.5 metre path connecting to existing community path
P8	Cowper Street, Duffy Street, Bonney Street,	Uneven and hazardous sections of footpath	Isolated footpath improvements
P9	Ebden Street and Officer Crescent	As above	As above
Bus stop improvements			
B1	O'Connell Street		Bus shelter upgrade (includes improving access to bus stop)
B2 & B3	Various		New or upgraded seating

Attachment B – Weston improvements to be constructed

Map reference	Location	Issue	Improvement
Crossing improvements			
C2	Namatjira Drive – Mirinjani Village	High-volume pedestrian crossing.	Install new speed cushion
C4	Gruner Street green belt underpass	Crossing is misaligned and poor line of sight	Upgrade footpath and kerb ramp area, and construct new path section on the northern side of Gruner Street

Footpath improvements			
P1	Namatijra Drive underpass (south side)	Desire line from shared path to McDonald's car park, and difficult cross fall on ramp up to Namatjira Drive	Upgrade and realign footpath to give direct access up to Namatjira Drive
P2	Namatijra Drive underpass (north side)	Steep grade section from road level joining shared path	Upgrade and realign footpath to give direct access up to Namatjira Drive
P3	Hilder Street opposite Lycett Street	Desire line	Construction of new 1.5 metre footpath
P4	Footpaths within open space west of Cooleman Court	Uneven and hazardous sections of footpath Cyclist/pedestrian conflict on shared path	Isolated footpath improvements and additional signage
P5	Shared path near Weston Uniting Church	Missing link connecting path from car park to the shared path	New 1.5 metre path connecting to existing shared path
P8	Open space network footpaths	Uneven and hazardous sections of footpath	Isolated footpath improvements
P9	Gruner Street	Missing link in community path	Isolated footpath improvements
Lighting improvements			
S2	Streeton Drive Underpass lighting	No artificial lighting inside long underpass section	Trial new lighting system in underpass
Bus stop improvements			
B1	McInnes Street	No path connection to bus stop	New connecting path to bus stop.
B2	Various	No or poor seating	New or upgraded seating

Health—Child and Adolescent Mental Health Services (Question No 763)

Mrs Jones asked the Minister for Health, upon notice, on 7 June 2016:

(1) Further to correspondence of 11 February 2016, which states "the ACT does not have a dedicated adolescent in-patient unit and as with a number of jurisdictions across Australia the focus of Child and Adolescent Mental Health Services (CAMHS) is to provide evidence based care in community settings", what is the model of inpatient care at the Women's and Children's Hospital in the ACT.

(2) How long can a youth be treated as an inpatient and how many youths can be treated in the CAMHS at any one time.

(3) What is the process for referring and receiving cross-jurisdictional care if deemed necessary by CAMHS psychiatrists and what provisions are there for family/carers to be reimbursed their costs of travel or accommodation.

(4) How many patients CAMHS is able to treat at any one time.

(5) Are there wait-lists or waiting periods before adolescents are treated by CAMHS; if so, what have these wait-lists or waiting periods been over the past two years.

Mr Corbell: The answer to the member's question is as follows:

(1) The model of care for inpatients within the Paediatric Service at the Centenary Hospital for Women and Children is to provide in-patient services for children and young people up to the age of 17. Children and adolescents are admitted to the paediatric department under a paediatrician or another specialist such as ear nose and throat, surgical or mental health.

The Women, Youth and Children Division has five paediatric wards: adolescent ward;

- medical ward;
- high dependency ward;
- surgical ward; and
- day stay unit.

In general patients over the age of 17 will be admitted to an adult ward within Canberra Hospital.

(2) There is no time limit on the length of an inpatient stay. It is clinical practice that when a young person is admitted, they remain in hospital for the amount of time that is clinically required to address the clinical concern.

Treatment can be provided for up to 12 inpatients at a time on the adolescent ward.

(3) The process for referring and receiving for cross-jurisdictional care, is the CAMHS team will make contact with the relevant in-patient services in NSW to seek a bed. There will be a presentation of the clinical case and the in-patient service will advise as to whether they will accept a referral.

The Interstate Patient Travel Assistance provides assistance to permanent residents of the ACT towards travel and accommodation expenses incurred when they are referred interstate for medical treatment not available in the ACT.

(4) CAMHS are able to clinically manage the following number of people at any one time:

- CAMHS Community teams – 360
- CAMHS Cottage and Dialectical Behaviour Therapy Program – 18 students per school semester
- CAMHS Eating Disorder Program – 50

- CAMHS Early Intervention Program 18-25 yrs – 40
- CAMHS Childhood Early Intervention group work program – eight primary aged children per semester group.

(5) The wait-lists or waiting periods for CAMHS are the following:

- CAMHS Community teams – There is no waitlist for this service.
- CAMHS The Cottage and Dialectical Behaviour Therapy Program – There is no wait list for this service.
- CAMHS Eating Disorders Program – as of 9 June 2016, there are 12 young people on the wait list. The wait list is triaged against clinical presentation for the young people with extremely low weight or released from a hospital admission and are seen immediately.
- CAMHS Early Intervention Program 18 -25 Years - There is no waitlist for this service.
- CAMHS Perinatal Service – There is no waitlist for this service.

Planning—Farrer shops (Question No 764)

Mrs Jones asked the Minister for Transport and Municipal Services, upon notice, on 7 June 2016:

(1) What work was done in the upgrades to the Farrer shops, specifically and broken down into line items.

(2) What was the total cost of the upgrades to the Farrer shops.

Ms Fitzharris: The answer to the member's question is as follows:

(1) Features of the Farrer Shops upgrade included:

- new lighting to enhance security, and pedestrian and car park safety. This involved the replacement of eight existing street lights and installation of 12 additional street lights to the shops and surrounds;
- paving and footpath upgrades to improve pedestrian access to and around the shops;
- improved parking facilities to improve car park safety and parking for people with disabilities;
- new street furniture: two bin enclosures, two bench seats, a bicycle rack and drinking fountain;
- six new identification signs positioned at the main entry points to the shops to help passing traffic identify the centre;

- landscaping works, including the planting of shade trees and garden beds to enhance the leafy character of the shops; and
- improved stormwater drainage.

(2) The total cost of the Farrer Shops upgrade was $1.22 million and was completed in November 2013.

Planning—Stirling (Question No 765)

Mrs Jones asked the Chief Minister, upon notice, on 7 June 2016:

(1) Did the correspondence to me of 29 April 2016 in relation to 10 McKail Crescent, Stirling, ACT 2611, state "As the lessee is no longer readily able to be located, Access Canberra officers have submitted an information request with transport regulation authorities in order to assist in the location process" and that the "rectification notice will be served on the lessee immediately once he is located.".

(2) Has the lessee's whereabouts, or other relevant information, been obtained from the information request.

(3) What steps, in addition to the information request, are being taken to actively and comprehensively search for the lessee.

(4) Are Access Canberra officers working within a suitable timeframe in which to resolve this long-running issue.

(5) In the instance the lessee is not located within a suitable timeframe, what the Government intends to do to arrive at a resolution.

Mr Barr: The answer to the member's question is as follows:

(1) Yes.

(2) Multiple requests for information have not led to identifying the whereabouts of the lessee.

(3) After several attempts on 8 June 2016, Access Canberra made contact with the lessee via phone. The lessee refused to give his current residential address to Access Canberra Officers. The lessee agreed to remove the offending container and skip bin by 15 June 2016. However, as the shipping container was not removed by 15 June 2016, the lessee's actions will continue to be monitored and further enforcement action is being considered.

(4) Access Canberra has made this protracted matter a high priority to resolve.

(5) Access Canberra will continue to take all reasonable steps including the possibility of issuing a Rectification Notice.

Capital Metro—postcards
(Question No 766)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 9 June 2016 *(redirected to the Minister for Capital Metro)*:

Further to Question on Notice 749 in relation to the Myth v Fact postcards produced by Capital Metro (a) when were the postcards printed, (b) how many postcards were (i) retained by Capital Metro and (ii) distributed to third parties, (c) list the third parties who received the postcards, (d) how many postcards were destroyed due to the lack of an authorisation following the advice from the Electoral Commissioner, (e) what date did the destruction occur and (f) what efforts were made to track down all of the printed postcards.

Mr Corbell: The answer to the member's question is as follows:

a. The postcards were printed in June 2015.

b. Capital Metro printed 1000 postcards for use. An undefined number were distributed to members of the public at 'Party at the Shops' events.

c. Members of the general public received the postcards at public events.

d. The destroyed postcards were not counted. However all postcards in the possession of the Capital Metro Agency at the time of the advice from the Electoral Commissioner were destroyed.

e. Destruction began following advice from the Electoral Commissioner on 11 September 2015.

f. Once advice was received from the Electoral Commissioner, the CMA immediately ceased distribution of the postcards. No further action was taken to track down distributed cards given they were released at public events to undefined members of the public.

Budget—rates
(Question No 767)

Mr Coe asked the Treasurer, upon notice, on 9 June 2016:

What will be the average rates for 2016-17 for each (a) suburb in Canberra and (b) of the out-years of the budget for (i) single dwellings and (ii) units.

Mr Barr: The answer to the member's question is as follows:

a) Table 1 below shows the average rates for single dwellings and units by suburb in Canberra in 2016-17.

b) Rates by suburb for single dwellings and units are based on the Average Unimproved Values (AUVs) for each property within the suburb. Rates for the forward estimates of the 2016-17 Budget are not available because AUVs for those years are not yet available.

Table 1: Average Rates – 2016-17

	Houses	Units
INNER NORTH		
AINSLIE	$3,215	$1,910
BRADDON	$3,501	$1,065
CAMPBELL	$3,906	$1,277
CITY	-	$922
DICKSON	$2,641	$1,131
DOWNER	$2,605	$1,276
HACKETT	$2,722	$1,208
LYNEHAM	$2,418	$1,037
O'CONNOR	$3,328	$1,349
REID	$4,469	$1,250
TURNER	$4,556	$1,143
WATSON	$2,299	$1,017
INNER SOUTH		
BARTON	$5,375	$1,231
DEAKIN	$4,259	$1,389
FORREST	$8,787	$1,718
GRIFFITH	$4,656	$1,207
KINGSTON	$3,111	$1,184
NARRABUNDAH	$2,959	$1,193
PIALLIGO	$5,477	-
RED HILL	$5,159	$2,120
YARRALUMLA	$4,685	$2,276
WODEN DISTRICT		
CHIFLEY	$2,478	$1,263
CURTIN	$2,773	$1,233
FARRER	$2,622	$1,295
GARRAN	$3,380	$1,176
HUGHES	$2,887	$1,260
ISAACS	$2,459	$1,510
LYONS	$2,465	$1,103
MAWSON	$2,561	$1,259
O'MALLEY	$4,132	$2,141
PEARCE	$2,628	$1,223
PHILLIP	$1,782	$1,126
TORRENS	$2,409	$1,300
WESTON DISTRICT		
CHAPMAN	$2,638	$1,704
DUFFY	$2,133	$1,211
FISHER	$2,128	$1,108
HOLDER	$2,070	$1,186
RIVETT	$1,951	$1,222
STIRLING	$2,062	$1,155
WARAMANGA	$2,050	$1,239
WESTON	$2,087	$1,168
BELCONNEN DISTRICT		
ARANDA	$2,874	$1,512
BELCONNEN	$1,782	$986
BRUCE	$2,429	$1,089
CHARNWOOD	$1,541	$1,062
COOK	$2,423	$1,270

DUNLOP	$1,539	$1,112
EVATT	$1,752	$1,107
FLOREY	$1,865	$1,192
FLYNN	$1,760	$1,229
FRASER	$1,793	$1,177
GIRALANG	$1,859	$1,226
HAWKER	$2,621	$1,239
HIGGINS	$1,845	$1,272
HOLT	$1,627	$1,032
KALEEN	$2,004	$1,186
LATHAM	$1,703	$1,154
MACGREGOR	$1,519	$1,094
MACQUARIE	$2,227	$1,143
MCKELLAR	$1,902	$1,253
MELBA	$1,891	$1,195
PAGE	$1,981	$1,203
SCULLIN	$1,822	$1,158
SPENCE	$1,737	$1,256
WEETANGERA	$2,680	$1,421
TUGGERANONG DISTRICT		
BANKS	$1,653	$1,230
BONYTHON	$1,750	$1,135
CALWELL	$1,802	$1,078
CHISHOLM	$1,779	$1,186
CONDER	$1,685	$1,131
FADDEN	$2,015	$1,387
GILMORE	$1,788	$1,216
GORDON	$1,699	$1,081
GOWRIE	$1,736	$1,257
GREENWAY	$1,859	$1,119
ISABELLA PLAINS	$1,686	$1,092
KAMBAH	$1,831	$1,151
MACARTHUR	$1,905	$1,192
MONASH	$1,863	$1,121
OXLEY	$1,878	$1,169
RICHARDSON	$1,663	$1,110
THARWA	$1,571	-
THEODORE	$1,678	$1,091
WANNIASSA	$1,894	$1,197
GUNGAHLIN - HALL DISTRICT		
AMAROO	$1,690	$1,242
BONNER	$1,423	$1,027
CASEY	$1,519	$998
CRACE	$1,627	$939
FORDE	$1,707	$1,083
FRANKLIN	$1,689	$878
GUNGAHLIN	$1,663	$1,022
HALL	$3,250	-
HARRISON	$1,668	$952
JACKA	$1,464	$981
NGUNNAWAL	$1,564	$1,083
NICHOLLS	$1,948	$1,259
PALMERSTON	$1,693	$1,284
MOLONGLO		
COOMBS	$2,056	-

WRIGHT	$2,083	$1,253
JERRABOMBERRA		
JERRABOMBERRA	$5,362	-
OAKS ESTATE	$1,569	-
SYMONSTON	$8,478	-

ACTION bus service—NXTBUS system (Question No 768)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 9 June 2016:

(1) Does each bus on ACTION's fleet have a NXTBUS system installed; if not, how many buses have the system installed and what percentage is that number of the total ACTION fleet.

(2) Are records maintained of the serviceability of the NXTBUS system.

(3) What is the breakdown rate for the system in (a) 2014 2015 and (b) 2015 2016 to date.

(4) Do buses travel on the ACTION bus network without an operational NXTBUS system.

(5) Is there any consultation done with disability groups or seniors groups to ensure the system is meeting the needs of people with a disability or who are elderly.

Ms Fitzharris: The answer to the member's question is as follows:

(1) 100% of the ACTION in service fleet is fitted with the NXTBUS system.

(2) NXTBUS faults are recorded and reported as part of the warranty agreement.

(3) The fault rate for the system is:

(a) 2014/15: 4.5 faults recorded per 10,000 scheduled trips; and
(b) 2015/16 YTD: 3.6 faults recorded per 10,000 scheduled trips.

(4) In the instance of a NXTBUS failure and a replacement vehicle is not available, the bus will still be used on the ACTION network to ensure service reliability for passengers.

(5) Community consultation occurred through the development and implementation of the NXTBUS system. Ongoing feedback is received through Access Canberra and the ACTION customer service centre.

Transport—surveys (Question No 769)

Mr Coe asked the Minister for Transport and City Services, upon notice, on 9 June 2016:

(1) In relation to the Transport Canberra – Public Transport survey on Canberra's public transport system which was announced on 4 May 2016, (a) did a media release dated 20 May 2016 indicate that the survey would be open until 27 May 2016 and (b) was the period for completing the survey extended.

(2) Over what period was the survey open and if the period for completing the survey was extended, what was the reason for that extension.

(3) How many responses did the ACT Government aim to receive by the end of the completion period.

(4) How many responses had been received by 27 May 2016.

(5) How many responses had been received by the end of the completion period.

(6) What material was produced to promote the survey and what the cost of that promotional material.

(7) Further to the answer to Question on Notice 706, which stated that Taverner Research had been engaged to conduct the market research at a cost of $169,000 (GST exclusive), when was the contract with Taverner Research signed.

(8) Has the contract with Taverner Research been lodged on the ACT Government Contracts Register; if so, what date was it lodged.

(9) Further to the answer to part (h) of Question on Notice 706, which stated that the market research program had been developed by the research provider, drawing upon experience, the project scope and the findings from focus groups (a) can the Minister outline the project scope and (b) were the focus groups organised specifically for this survey; if so, (i) how many focus groups were held, when where the focus groups held and where, (ii) how many people participated in the focus groups, (iii) were the participants paid; if so, how much, (iv) what was the nature of the questions posed to the focus groups and (v) what were the findings from the focus groups.

(10) When will Taverner Research provide the findings of the survey to the ACT Government.

(11) Why were there no specific questions on light rail included in the survey given that the aim of the survey was to help to guide the future of transport in Canberra.

Ms Fitzharris: The answer to the member's question is as follows:

(1) (a) Yes. (b) Yes.

(2) The Public Transport survey was conducted from 4 May to 3 June 2016. The phone interviews and online survey components were extended to allow more people to have a say.

(3) The Public Transport survey required a minimum of:

- 36 participants for the six focus groups (43 were interviewed between 16/3/16 and 23/3/16),

- 200 participants for the on board component (553 were interviewed between 23/5/16 and 30/5/16),
- 2,000 participants for the phone survey (2,009 were interviewed between 28/4/16 and 3/6/16); and
- the online survey was open to all Canberrans.

(4) By 27 May 2016, the following responses were received:

- Focus groups were completed. 43 were interviewed.
- On board: 221 surveys were completed.
- Phone: 1,483 surveys were completed
- Online: 2368 online responses received

(5) 2868 online responses were received by 3 June 2016.

(6) The material used to promote the survey included radio advertising, posters, signage, bus hangers, social media, print and digital advertising and NXTBUS screens. The total cost for promotion was $26,286.66.

(7) 3 March 2016.

(8) Yes. 21 June 2016.

(9) (a) The scope of the research was to conduct focus group testing, telephone surveys, on board passenger surveys and an online survey. The purpose of the Public Transport survey was to get input that would help inform transport policy development for the new integrated transport agency, and to hear directly from the community about their priorities and aspirations for transport in the ACT.

(b)Yes.

(i) Six focus groups were held. The times and the locations of the focus groups were:

- March 16th 5pm group at Novotel Canberra
- March 16th 7pm group at Novotel Canberra
- March 17th 5pm group at Novotel Canberra
- March 17th 7pm group at Novotel Canberra
- March 23rd 5pm group at Premier Hotel & Apartments
- March 23rd 7pm group at Premier Hotel & Apartments

(ii) 43.

(iii) Yes. $80 per participant.

(iv) The questions posed to the focus group participants were focused on transport in the ACT, how the participants travel around, how they would like to in the future and barriers and expectations of future transport.

(v) The findings from the focus groups will be included in the final report to the ACT Government.

(10) Taverner Research are expected to provide the final report to the ACT Government in July 2016.

(11) The aim of the survey was to measure expectations regarding public transport in the ACT. The ACT Government was interested in understanding current travel characteristics of users, potential users and non-users of public transport, barriers to the use of public transport and how these barriers can be overcome regardless of mode.

ACTION bus service—city loop (Question No 770)

Mr Coe asked the Minister for Transport and City Services, upon notice, on 9 June 2016:

(1) Will the City Loop bus service announced on 6 June 2016 and to commence on 4 July 2016 be ongoing or is the service being provided on a trial basis.

(2) What is the cost of providing the service.

(3) How many drivers will be required to run the service.

(4) What will be the capacity of buses servicing the route.

(5) What is the route of the City Loop service.

(6) Will the buses travel in one way around the loop.

Ms Fitzharris: The answer to the member's question is as follows:

(1) The City Loop is a trial and is scheduled to run for 12 months.

(2) The cost is approximately $765,000.

(3) The City Loop will require six bus drivers to operate.

(4) The City Loop will be operated by Dennis DART buses from the ACTION fleet which have a capacity of 27 seated and 23 standing, for a licence capacity of 50 passengers.

(5) The City Loop will service the City Bus Station – Sydney Building, the Legislative Assembly, Akuna Street, the Canberra Centre, Mort Street - Braddon, the ANU Bus Station and New Acton.

(6) Yes, the buses will travel one way around the loop during the initial phase of the trial.

Questions without notice taken on notice

Housing ACT—safety compliance

Ms Berry *(in reply to a question by Ms Lawder on Thursday, 9 June 2016)*: All building owners, including Housing ACT are guided by the Certificate of Occupancy and Use that is issued to confirm that properties are constructed in accordance with all building standards and regulations.

All Housing ACT properties are constructed in accordance with the Building Code of Australia (BCA). The BCA provides the relevant standards of the day. It specifies fire safety requirements that differ between various construction types such as multi storey sites.

Housing ACT prioritises the safety of tenants. If a public housing property is found to be non-compliant with a building code or standard, Housing ACT will take remedial action and, wherever possible, pursue the matter through the builder, the building certifier and relevant legal processes.

Housing ACT has a maintenance system in place to regularly service and test fire protection equipment across its property portfolio. As a minimum, Housing ACT has installed hard wired smoke alarms in all of its properties. The alarms are tested by the Housing Managers during a client service visit and are replaced under a 10 year program or as a priority upon fail.

Budget—Cultural Facilities Corporation

Mr Barr *(in reply to a question and a supplementary question by Mr Smyth on Wednesday, 8 June 2016)*: There have been no staffing cutbacks at the Cultural Facilities Corporation (CFC). CFC staffing numbers have remained stable overall from 2014-15 to 2015-16 and are expected to remain at similar levels overall into 2016-17. The Full Time Equivalent (FTE) figures used in the CFC's staffing tables are, however, subject to significant variations due to the fact that these represent a snapshot of staffing at a certain moment in time: the last pay period of the financial year. Since the CFC engages many casual staff at the Canberra Theatre Centre, the FTE figure is highly influenced by the level of theatre activity at that point in time.

I am advised that, at the last pay date for 2014-15, a larger number of shows than usual were presented at the Canberra Theatre Centre, resulting in an Actual Outcome for 2014-15 of 90 FTE. In contrast, the budgeted FTE staffing figure for 2015-16 reflects an expectation of a normal pattern of theatre activity at the last pay period for the year, with an expected FTE of 81. This has been revised upwards slightly to an FTE of 82 for both the 2015-16 Estimated Outcome and 2016-17 Budget, on the expectation of a normal pattern of theatre activity in terms of casual staffing, plus an additional core staff member at the Canberra Theatre Centre. So there have been no reductions in staffing or in the activities or functions of the CFC nor are there intended to be.

Westside village—improvements

Mr Barr *(in reply to a supplementary question by Mr Smyth on Thursday, 9 June 2016)*: One trader has left Westside Village. They had no rent in arrears.

ACT public service—Land Development Agency

Mr Barr *(in reply to a question and a supplementary question by Mr Coe on Wednesday, 8 June 2016)*: For the 2015-16 financial year, to date there has been one reported allegation. An investigation was undertaken which concluded that there was no finding of misconduct.

Land—block 24, city

Mr Barr *(in reply to a question by Mr Hanson on Tuesday, 7 June 2016)*: The principal study on the Coranderrk Pond was undertaken as part of a consultancy on the feasibility of Parkes Way, which was commissioned in December 2013. That study formally identified the need to relocate the Coranderrk Pond and identified Glebe Park as the preferred site.

Land—block 24, city

Mr Barr *(in reply to supplementary questions by Mr Doszpot and Mr Coe on Tuesday, 7 June 2016)*: Yes. A Development Application for works valued at over $1 million was lodged by the former owner.

Development on the site was in accordance with the Development Application and met the requirements of the lease.

The valuations were based on the market value of the site.

The LDA Board schedules eleven ordinary meetings each year and reviews the progress of LDA projects, such as City to the Lake, as part of its discussions.

Budget—education

Mr Rattenbury *(in reply to a question by Mr Doszpot on Wednesday, 8 June 2016)*: The initial response to the Schools for All Report related to a $7 million commitment in the 2016-17 financial year.

The 2016-17 Budget Initiative 'Better Schools - Schools for All' is a significant increase from the previously announced commitment of $7 million. The initiative provides more than $12 million over four years to employ 26 additional staff to provide support for students with complex needs and disability. Further, the Government has increased its commitment by $2.6 million to a total of $5.6 million, to develop or upgrade safe sensory spaces.

Since the release of the Schools for All Report in November 2015, the Education Directorate has spent approximately $0.9 million in response to the Recommendations of the Report. The majority of this expenditure relates to work across eight sites to develop and upgrade safe sensory spaces ($0.6 million).