



# Debates

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## **Wednesday, 2 August 2017**

**MADAM SPEAKER** (Ms Burch) 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.

## **Crimes (Invasion of Privacy) Amendment Bill 2017**

**Ms Le Couteur**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MS LE COUTEUR** (Murrumbidgee) (10.02): I move:

That this bill be agreed to in principle.

In May I tabled an exposure draft of this bill, and today's updated bill reflects the feedback we have received from our stakeholder consultation. The idea behind this bill is to combat the non-consensual sharing of intimate images in the ACT. As Mr Hanson and I both said in this chamber in May, the non-consensual sharing of intimate images is a major problem in Australia, and a legislative response is well overdue. Eighty per cent of Australians think that the non-consensual sharing of intimate images should be criminalised, and one in five Australians have themselves been victims of image-based abuse.

Image-based abuse is disproportionately experienced by the most marginalised and vulnerable members of our community. One in two people with a disability have experienced image-based abuse, one in two Indigenous people, and the rates are higher than the base amongst the LGBTIQ community and amongst young people.

This is not a problem for another time or another place. This is all too common here in the ACT. We know about the recent prosecutions over the Grindr case. At the Canberra Rape Crisis Centre, young women have now overtaken middle-aged women as the largest group accessing crisis response services, and 85 per cent of the young women presenting at the Rape Crisis Centre have experienced non-consensual sharing of intimate images and other forms of technology-aided abuse.

Technology-facilitated abuse is now an almost universal feature in domestic and family violence incidents, whether through using phones for tracking, harassment or surveillance, or by stealing passwords to gain access to personal information or computers. Particularly once a relationship ends, the non-consensual sharing of intimate images may well be part of the abuse.

I am very pleased that all parties are looking at this issue now. I congratulate the Attorney-General and the government on their ongoing engagement with COAG and in getting the national statement of principles for the criminalisation of non-consensual sharing of intimate images up, which has formed the basis of the Greens' bill.

Our bill builds upon the commonwealth Senate Legal and Constitutional Affairs References Committee's inquiry into the phenomenon colloquially known as "revenge porn" in 2016, which recommended that all states and territories enact criminal legislation to address the non-consensual recording, sharing and threatening to share of intimate images.

Our bill cannot stand alone. The ACT must complement the national strategy to combat non-consensual sharing and, as such, must also complement the commonwealth's move towards the implementation of a civil penalties regime.

I also congratulate the shadow attorney-general on his interest in this important issue, and on drafting the Liberal Party's and his own bill. I am very pleased, of course, that the shadow attorney-general's bill was revised from its first presentation to include some clauses from my exposure draft in May. Now I hope that the shadow attorney-general and the Liberal Party will support the further refinements that we have made based on the extensive research and wide consultation we have done. If another bill, other than our bill, on this issue is debated, the Greens will work hard to provide robust amendments to the other bill so that all three parties in the Assembly can work together and have the best outcome for everyone in the ACT.

Looking at the bill that I am tabling today, we have done considerable consultation, and our legislation has changed since the initial exposure draft. Over 60 key organisations, stakeholders and academics received copies of our discussion paper and exposure draft. We received submissions from over 17, and this is not an exhaustive list: the Human Rights Commission, Legal Aid ACT, Women's Centre for Health Matters, Toora Women Inc, the AIDS Action Council, the Australian Privacy Foundation, Electronic Frontiers Australia, Australian Women Against Violence Alliance, the ACT Domestic Violence Prevention Council, Women With Disabilities, National Foundation for Australian Women, the Women's Services Network, the YWCA, and Doctors Flynn, Henry and Powell, as well as other individuals, including Rhys Michie, who penned the original petition which started this work in the ACT.

I must point out that, while we have taken this feedback on board, we take responsibility particularly for any mistakes that have been made in our draft. Based on this feedback from the academics, community groups, and, helpfully, from the Human Rights Commission, we have refined our bill into something which we believe balances community safety, human rights, our COAG obligations and best practice in combating the non-consensual sharing of intimate images.

I will not go through every change and refinement, but I will talk briefly about our most important changes. In the original exposure draft, we included a broad definition of "intimate" that included "an area of the person's body that, in the person's circumstances, is private in nature"—a sort of community standards test that aimed to address the gaps highlighted in previous inquiries and research that noted that existing approaches did not sufficiently acknowledge the cultural context when defining "intimate".

Despite the majority of submissions supporting this approach, we heeded the advice of the Human Rights Commission and removed this section from the bill. They noted that our construction could have posed an unjustifiable limitation on the right to freedom of expression. We will continue to look at this. We will investigate whether improvements to privacy legislation through our territory's civil penalties regime, a statutory tort for serious invasions of privacy or a general criminal offence for reckless or malicious invasions of privacy are possible ways forward.

We will continue to consult with culturally diverse and marginalised communities, especially the Muslim and LGBTIQ communities, to ensure that the legal system provides appropriate protections for them and their families into the future. Meanwhile, we have been assured that, on the balance of probabilities, the commonwealth civil penalties regime for non-consensual sharing of intimate images will take into account this broader, culturally contextual definition.

The issue of consent has been considered by almost all submissions. Overwhelmingly, these submissions supported a stronger, clearer, more positive definition of "consent". Most of these submissions supported our inclusion of a positive action element, which is an innovation in Australia but is something for which the community has been calling for years. When looking at the legislation the obvious question is why, when we are talking about non-consensual sharing of intimate images, did we feel that it was necessary or appropriate to talk about wider sexual violence reforms? And why does it cover considerable changes to child sex offences and to the law of consent here in the ACT?

Firstly, as a basic rule of logic, if we are talking about any sort of non-consent, it is important to understand what consent is. In the ACT there is not a definition of "consent", except by what it is not. This is unlike every other state and territory in Australia. The community sector around Australia is calling for changing the law to make consent something positive, something that has to be communicated from one person to another. We did not want to have two separate definitions of consent in the Crimes Act, so we have changed to the general definition rather than have a specific definition only for non-consensual sharing of intimate images.

Once we started looking at consent, we also realised how many problems our criminal law has with how young people, consent and sex and pornography offences all intersect. To quote the submission from the Human Rights Commission, the commission has "longstanding concerns that young people who engage in consensual and non-predatory and non-exploitative behaviour such as sexting have been at risk of inappropriate criminalisation by current child pornography laws in the ACT", and they "welcome" these specific changes. This sentiment has since been echoed by the National Foundation for Australian Women, the Women's Services Network, the YWCA and by Doctors Flynn, Henry and Powell, who penned the major report into non-consensual sharing in the first place.

We recognise that, in operation, our original definition of "consent" in the exposure draft could potentially have had some issues, as there was some possibility for the

burden of proof to be changed in criminal matters, thereby jeopardising a person's right to be innocent until proven guilty. We worked with a number of stakeholders to refine the definition of "consent" to align with our human rights standards, while also sending a clear message that everybody—everybody—must take all reasonable steps to find out if they have consent in any private matters.

A number of our stakeholders also echoed our sentiment that the very act of sharing an intimate image without consent is harmful in and of itself, and that the act can cause extreme distress to victims and their families, can cause damage to people's lives and livelihoods, and disrupt the emotional and mental wellbeing of victims. We know too well here in the ACT that the end result of these harmful acts can also be the loss of life.

These same submissions also emphasise—and we agree—that consent for an image to be taken does not equate with consent for it to be shared, nor that your relationship status is at all relevant to whether consent is valid, except insofar as termination of a relationship should be construed as the automatic revocation of consent to view or distribute intimate images gained under that relationship. Based on this feedback we have amended our legislation to reflect the community's views.

Importantly, when it comes to young people, we have created an exception to existing child pornography offences. Specifically, a person will not have committed an offence under these provisions if there is no more than two years difference in age between the person and the child, and the child consented to the act constituting the offence.

The two-year age gap is a positive step towards law being responsive to the evolving standards of our society. It also signals the acceptance that image sharing between two consenting young people can be a normal, contemporary form of sexual expression in romantic and other relationships and removes the risk of them being charged with child pornography, as is currently the case. I note that similar exceptions exist in the shadow attorney-general's bill and I am very pleased that we are on the same page on this issue.

We have also amended, to the age of 18, the provision that stipulates that the consent of the Director of Public Prosecutions must be sought if the person charged with the offence was under the age of 16 at the time the offence is alleged to have been committed. We have done this because it affords maximum protection for all young people and ensures consistency with the protections afforded under the ACT Human Rights Act 2004 to children and young people, in conjunction with the right to non-discrimination. I understand that the shadow attorney-general has made similar amendments, based on their explanatory statement.

Other minor changes can be seen in the revised bill and the accompanying explanatory statement. The explanatory statement also goes through a quite detailed description of the consultation process that we went through and gives a brief summary of the submissions that we received.

These legislative reforms, however they are passed by the Assembly, need to be accompanied by a commitment from the government to provide initiatives to support victims and work to change the attitudes of young people—in fact all people—through education programs, therapy and restorative justice. A simple way to start to implement this would be to update the respectful relationships education in schools to include a module on coercive behaviours in and out of intimate relationships, including the non-consensual sharing of intimate images.

I also note the press reports about the universities, and, in particular, the ANU's response to sexual abuse issues on their campuses. They have said that they intend to introduce much better education, at least for their students who are in residential colleges, about consent and what it means and does not mean. This is a society-wide issue and we all need to be part of the solution.

A number of submissions have called for a helpline to provide support, assistance and legal advice for victims of non-consensual sharing of intimate images, and a public education campaign to raise awareness of these changes, their repercussions and their options for seeking relief.

The most important point we can stress—and submission after submission echoed this—is that no legal reform can stand alone, and the only way the ACT can effectively combat non-consensual sharing of intimate images, or indeed any type of domestic or family violence, is with well-funded, well-resourced and well-managed support services, education programs, non-legal remedy options and institutional training for educators, the legal and medical professions, law enforcement, government decision-makers and service providers.

Doctors Flynn, Henry and Powell from the RMIT recommend a campaign that encourages and promotes proactive bystander intervention to challenge problematic behaviours and targets victim-blaming and the “locker room” culture of image-based abuse. They also drew attention to the “be aware b4 you share” campaign that the UK government rolled out on Facebook and Twitter, through television and radio ads and through a widespread poster campaign. This campaign targeted perpetrators of non-consensual sharing and not just potential victims.

I want very much to thank all the individuals and organisations that provided submissions. We have listened to you. We hope that you feel that your views have been reflected in our new and, we believe, improved bill. Our consultation report endeavours to credit all of your hard work and all of your feedback, and we look forward to engaging again with you on further reforms that are needed.

In closing, I reiterate how pleased I am that this is an issue where there appears to be broad tripartisan support in the chamber. Whether or not this becomes a cognate debate or whether the bill is amended, I am confident that in the end there will be better protections for Canberra's citizens against the ever-increasing phenomenon of using social media and other platforms to abuse, denigrate, threaten, extort, coerce and vilify others by the non-consensual taking or sharing of, or threatening to take or share, intimate images.

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

## **Animals—victim compensation**

**MR DOSZPOT** (Kurrajong) (10.20): I move:

That this Assembly:

(1) notes:

- (a) that in May 2017, the Supreme Court of the Australian Capital Territory handed down a decision in *Hartigan v Commissioner for Social Housing in the ACT* which reveals serious and alarming deficiencies in the laws of this Territory regarding the control of dangerous dogs and lack of effective remedy for people attacked, mauled and injured dogs;
- (b) that evidence has been provided to the office of Mr Doszpot MLA that Domestic Animal Services (DAS) and ACT Housing had been aware of unmanaged dogs menacing people at a particular ACT Housing premises in Griffith for many years prior to 2010;
- (c) in October 2010, a boy was attacked by a dog at those premises and sustained an injured eye, lost 13 teeth and has had 17 operations including skin grafts to his skull and continues to suffer;
- (d) that action was taken by the boy through his lawyers against the ACT Government to compensate the boy for the injuries;
- (e) although unsuccessful, the judgement notes the boy is “clearly entitled to compensation”, but that the person responsible was not capable of satisfying judgement, and the Government was not liable;
- (f) as a result, the boy had applied, through his lawyers, for an ex gratia payment from the Government to be held in trust, to pay for his ongoing medical expenses;
- (g) on 3 July 2017, the Chief Minister wrote a response regarding the ex gratia request in which he asserted the injuries that the boy sustained are not the Territory’s responsibility, and the Territory would not provide an ex gratia payment;
- (h) ex gratia payments are commonly used to provide relief when other avenues are unavailable, and are defined as “a payment of money made or given as a concession, without legal compulsion” and are provided for in the Financial Management Act;
- (i) the Chief Minister has asserted that he could not see any special circumstances to warrant his authorising any payment to the boy;

- (j) that a six year old boy is savagely mauled by dogs on premises of ACT public housing, there is no effective legal remedy and the circumstances are not regarded by the Chief Minister as special circumstances raises the question as to what circumstances would the Chief Minister ever regard as being special; and
  - (k) the Government parades a Human Rights Act asserting rights and freedoms (which one may assume includes the right and freedom of a six year old boy residing in the ACT to be secure from attack by vicious dogs in properties owned by ACT Housing) but which does not give people properly effective remedies when such rights are breached; and
- (2) calls on the ACT Government to:
- (a) reconsider its decision not to provide an ex gratia payment;
  - (b) show what actions the Government has taken to address the suggestion by the court to address the serious and alarming deficiencies in the laws of this Territory regarding the control of dangerous dogs and lack of effective remedy for people attacked, mauled and injured by dogs;
  - (c) show what actions the Government has taken to address the suggestion by the court to consider the requirement to have the Housing Commissioner to have a duty to regulate the keeping of dogs in public housing;
  - (d) show what actions the Government has taken to address the suggestion by the court to tighten the capacity for DAS to act against dangerous and menacing dogs; and
  - (e) show what actions the Government has taken to address the suggestion by the court to establish a scheme of insurance to cover and compensate people so injured by attacking dogs.

In May 2017 the Supreme Court of the Australian Capital Territory handed down a decision in *Hartigan v Commissioner for Social Housing in the ACT* which revealed deficiencies in the laws of this territory regarding the control of dangerous dogs and the lack of effective remedy for people attacked, mauled and injured by dogs.

The decision given by the judge was along conventional legal lines, finding that the commissioner of public housing was not liable where pit bull terriers kept on public housing premises attacked and severely injured a six-year-old boy. A claim against the owner or keeper of the dogs was of no assistance, as that person could not pay damages or other compensation to cover the costs caused by the injuries and the ongoing treatment of the little boy viciously mauled by two dogs, which in effect bit him and tore his body in a horrendous tug of war.

Amongst comments in Justice Hilary Penfold's judgment was also a suggestion that the territory could consider establishing a scheme of insurance to cover and compensate people injured by attacking dogs. This motion does not imply any criticism of Justice Hilary Penfold's decision upon the law. What is of ongoing and serious concern, however, is the response of the ACT government to the predicament of the injured boy and his parents.

I did not know young Jack Hartigan or his family until this morning, when I met them. I should welcome them—they are sitting in the gallery with us this morning. I thank them for being here. My involvement with their case has come about at the request of their lawyers seeking my support for their ex gratia payment request to the Chief Minister which, after getting a background briefing from them, I have supported. I raised the matter with the Chief Minister in estimates a month ago, which elicited a surprisingly angry and lengthy response from him, and I received a letter from the Chief Minister rejecting the ex gratia payment with justification based on legal outcomes.

It may be appropriate for the Chief Minister and his advisors to revisit the definition of ex gratia and, in addition, the Chief Minister's much-used expression "compassionate and caring", which seems to be a crucial missing element in the way that his ACT government has dealt with the Hartigan family.

On 26 May 2017, I wrote to the Chief Minister, Andrew Barr, about the matter and expressed support for an application by the injured boy's lawyers to the Chief Minister and ACT government for an ex gratia, or "act of grace", payment with regard to the serious injuries and ongoing trauma that Jack Hartigan suffered, and continues to suffer, from the two dogs' attack. Five weeks later, on 3 July 2017, Mr Barr wrote back a single-page letter in which he asserted that he had considered issues the boy's lawyers had raised but that he had not agreed to authorise an act of grace payment of \$200,000 as requested. Mr Barr asserted that he had read the court's judgment and noted that the court found the commissioner "was not liable for the dog involved in the attack and breached no duty of care to prevent the dog attack on the boy".

If Mr Barr or his advisers had read the court's judgment, they would have been well aware that it was two dogs that in fact attacked this young man, and that is a big difference. I quote from an article in the *Canberra Times* titled "Jack loses case over dog mauling":

In shocking detail the boy described what happened.

One dog grabbed his head and the other grabbed his leg, he said.

"It was basically a tug-o-war between the dogs.

"And it really hurt, from all the pain of them stretching me. And then the one on my leg let go and went onto my face."

The *Canberra Times* article continued:

He suffered horrific injuries and had to have 17 medical procedures, including one that involved grafting skin onto his head. He lost 13 teeth and the attack had caused him a lazy eye.

If the Chief Minister had read the judgment he would also have read evidence from neighbours of the tenant of the house this attack occurred in. The neighbours had been

concerned since 2007 or 2008 and had made numerous complaints in relation to the tenant's dogs. Their complaints had been directed to Housing ACT and to Domestic Animal Services. Housing ACT had always told the neighbour to call DAS. The bottom line is that two of the Chief Minister's agencies were well aware of concerns of citizens about a particular house, and the dangerous dogs issue therein, where this attack happened three years later.

Mr Barr ended his rejection letter with: "I am sympathetic to the serious injuries that the boy sustained, but they are not the commissioner's or the territory's responsibility." The dismissive and tart brevity of the Chief Minister's letter in this situation is simply staggering. Further, it is clear that Mr Barr and those advising him consider that the absence of legal liability and effective remedy, as found by the court, justify his refusal to assist the boy and his family by an *ex gratia* payment of an amount that is very modest in the circumstances.

Mr Barr's letter asserts that he could not see any special circumstances to warrant his authorising any payment to the boy. Mr Barr in his letter misconceives the whole point about *ex gratia* payments. Section 130 of the Financial Management Act 1996 makes it expressly clear that such payments may indeed be made, although payment would not otherwise be authorised by law or required to meet a legal liability. Incidentally, it is a mark of the political and administrative low point that we have reached in this territory that the situation of a then six-year-old boy, who is now 13, so injured, falls to be determined under a management statute.

As I understand, *ex gratia* payments are a familiar feature in all the Australian state and territory jurisdictions. Ultimately they spring from the traditional powers of the Crown to use its funds to help or assist persons prejudiced, afflicted or injured in various ways by gaps in the law or the like. It is immediately clear, then, that such payments are not limited in their nature to the dire results of shortcomings in the law or legislation, or to particular categories of injury and affliction. It is not required that it be shown, in order for such a payment to be warranted, that the government concerned or one of its agencies was liable at law.

Mr Barr's letter rejecting the *ex gratia* request in that respect totally misunderstands the position. At the same time it is indicative of his lack of humane judgment that he would write or sign such a letter against such a horrendous background. It is very clear indeed that Commonwealth prime ministers and treasurers and state premiers and their treasurers around Australia have from time to time made responsible and statesmanlike decisions to give such payments. No legal liability was required to support and to justify such decisions as being appropriate.

If Mr Barr does not regard the circumstances of this injured boy—savagely mauled by two dogs, through no fault of his own, upon premises of ACT public housing, where an effective legal remedy is denied—as not being special circumstances, then one wonders what circumstances Mr Barr would ever regard as being special.

This whole situation shows the Chief Minister in a very poor light indeed as the leader of our statutory body politic here in the ACT. It also shows the increasing tendency in

any matter concerning the ACT government for knee-jerk resort to legal categories and avoidance of legal liability when citizens are injured, afflicted or prejudiced. It is very clear that the legislation regarding ex gratia payments expressly does not require there to be legal liability shown. Yet the ACT government clearly regard their primary duty here as, at best, to obfuscate and prevaricate and, at worst, to mislead in avoiding any suggestion that the government can indeed step in and assist this situation through an ex gratia payment.

This whole edifice of an uncaring government is typical of the situation in this territory over recent years. Part of the wider problem is that, whilst the Chief Minister and his government do not regard the situation of this boy attacked by vicious dogs in ACT public housing as sufficient to warrant their signing a document to give him an act of grace payment, the Chief Minister and his government can readily find vast sums of money to support other projects and entities which suit their political ends or personal preferences. Funding for such things is, it seems, simply a matter of a nod from the Chief Minister, a flick of the pen and, hey presto, the dollars being found, as in the following cases. It would appear that this government can afford to give \$23 million to a Sydney-based football team but cannot afford an ex gratia payment of \$200,000 for the ongoing medical costs of the now 13-year-old child. It would appear that the same government that has purchased for \$4 million the Tradies club property in Dickson, for which there appears to be no plan for government usage—the Tradies are still occupying it for \$1 per year—cannot find \$200,000 to help a Canberra family in need of support.

It would appear that this government can afford to buy a block of land for \$3 million dollars above valuation but cannot hear the cry for help from a citizen. This unfortunate list of quite questionable prioritisation of government expenditure goes on and on. There was \$1.9 million spent on the pop-up container village that has now ceased trading, and another questionable sports grant of over \$750,000 for six sandpits, or beach volleyball courts, in Canberra for what is essentially a social competition in the ACT. But asking \$200,000 for a child's medical expenses appears to be beyond the capacity of this government to understand or, worse, to care about. I am sure that the ACT Chief Minister has a social conscience, but the trouble is it is becoming increasingly difficult to find it. He is so fixated on his legacy, the light rail, that his attitude of "whatever the cost, whatever it takes" is now taking on new dimensions.

The latest example is his dismissive letter that I received a few days ago, turning his back on young Jack Hartigan for an ex gratia payment for horrendous injuries received in one of the most vicious dog attacks on a young child in Canberra. It would appear that Mr Barr's legacy could include his heartless comments contained as the final sentence in his rejection of the ex gratia request: "I am sympathetic to the serious injuries that the boy sustained but they are not the commissioner's or the territory's responsibility." Well, Chief Minister, who then is responsible for the serious and alarming deficiencies in the laws of this territory regarding the control of dangerous dogs and lack of effective remedy for people attacked, mauled and injured by dogs? This happened seven years ago, and to date we have not seen any action or even the willingness to address the problem.

Chief Minister—through you, Madam Chair—over the years you and I have faced similar situations where decisions had to be made but where, once you understood the specifics of the situation, you saw fit to turn around and correct the issue that you were asked to address. I am asking you in this instance also to show some courage and leadership in recognising the fact that this is an area where compassion is required. It is not a sign of weakness to show compassion in response to all the evidence we have before us about the injury to this child. I seek your support and your government’s support in reconsidering the actions that are warranted to assist this family and this child in a situation that was not of their making but has caused them extreme hardship. They are very much in need of your support.

I appeal to all of the Assembly, to Meegan Fitzharris—who is obviously aware of some of the issues that we are talking about—and to the rest of the cabinet to have a heart. We recognise that decisions can and must be made by the government. We respect that. But we also respect a government willing to recognise that there is more to the argument than they had perhaps been aware of—or perhaps their understanding of the way that *ex gratia* works. I appeal to Mr Barr to listen and do something about this.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (10.35): I move:

Omit all words after “notes”, first occurring, substitute:

- “(a) that, in October 2010, a young boy was attacked by a dog while resident at an ACT Housing property, and sustained serious injuries as a result of the attack;
- (b) that all Assembly Members express sympathy for the boy affected by this case, and his family, for the distressing events which led to, and followed from, his injuries;
- (c) that, in May 2017, the Supreme Court of the Australian Capital Territory handed down a decision in *Hartigan v Commissioner for Social Housing in the ACT*, which found that, although the boy’s injuries were serious and extensive, the Commissioner for Social Housing was not liable for the dog involved in the attack and breached no duty of care to prevent the dog attack;
- (d) while the Treasurer has a discretionary power to award Act of Grace payments upon application, assessment of these applications is undertaken against a clear and long-established framework which includes specific criteria for the granting of such a request; and
- (e) that a request by the boy, through his lawyers, for a \$200 000 Act of Grace compensation payment from the ACT Government has not been granted on the basis that it did not meet the criteria under this framework, specifically that the actions or inaction of the Government had not contributed to the injuries sustained; and

(2) further notes that:

- (a) while the ACT has some of the strongest laws in Australia in relation to management of dog attacks, the Minister for Transport and City Services has committed to reporting back to the Assembly by the end of September regarding further improvements to our animal management regime; and
- (b) the Government will table the framework under which applications for Act of Grace payments are assessed and detail how the framework was adhered to in assessing this specific application.”.

I thank Mr Doszpot for his assessment of my character. Under section 130 of the Financial Management Act 1996 the Treasurer can authorise an act of grace payment if special circumstances warrant such a payment. The government has established and applies a specific set of criteria when assessing whether to grant an act of grace payment request. I now table the framework for the Assembly’s information:

Act of Grace payments—assessment framework, dated August 2017.

The framework aims to achieve consistency in how such requests are assessed to ensure that Canberrans are afforded equal and due process within the government’s decision-making.

The framework stipulates that an act of grace payment can be provided where, (a) the territory’s role, acts or omissions in relation to a particular case has caused an unintended or inequitable result for the individual or entity concerned or, (b) the application of territory legislation has produced a result that is unintended, anomalous, inequitable or otherwise unacceptable in a particular case or, (c) the matter is not covered by legislation or specific policy but is intended to introduce such legislation or policy and it is considered desirable in a particular case to apply the benefits of relevant provisions prospectively. The clear advice I received from the ACT Government Solicitor and from ACT Treasury was that this matter did not satisfy those criteria, and I responded accordingly.

My amendment goes to address the issues raised by Mr Doszpot in relation to act of grace payments and further notes that the Minister for Transport and City Services has committed to reporting back to the Assembly by the end of September as a result of a previous discussion in this place regarding further improvements to our animal management regime. I have now tabled the framework under which these act of grace payments are assessed. The framework details how they are assessed and it is the same process that I apply across all requests, which come two or three a month. I apply the same criteria, seek advice from the same agencies broadly across government and, in this instance, as with all others, have acted in accordance with that advice.

**MS LE COUTEUR** (Murrumbidgee) (10.38): I want to agree with those who have spoken before me saying this situation is tragic. The details of the dog attack are horrifying. It is a terrible thing to have happened to anybody let alone to a child. It is also clear from the recent motions and debates on the regulation of dangerous dogs that everyone in this Assembly takes the issue very seriously. Nobody could possibly

doubt Mr Doszpot's commitment to this issue. From the Greens point of view, when Mr Rattenbury was Minister for Territory and Municipal Services he strengthened the penalties around dangerous dogs. On the Labor side, the government has these regulations under review. There was recent community consultation, and I understand Minister Fitzharris will be reporting back to the Assembly on this.

I have met with Mr Doszpot about the motion and I understand that he cares deeply about this case. But I need to express my concern that we are even debating this case in the Assembly. The Assembly is a public and political place, and I do not believe we should be raking over a very tragic case involving a child in this way, particularly with the child being named. There are many tragedies every year. I believe that we should not be weighing up in this place whether or not the victim in this case or any other case is worthy of *ex gratia* compensation when others may apply and may also be turned down. Victims should not be subjected to the further trauma of trying to get together the majority of Assembly members to support a re prosecution of their case. This is just horrible.

I am very sorry we are debating this today, and I will not be supporting the original motion. The Greens will be supporting the government's amendment, noting that the Treasurer has made his decision based on the criteria which I understand have been tabled in the Assembly today.

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.40): I thank Mr Doszpot for bringing this motion before the Assembly today and acknowledge his contribution and those of the Chief Minister and Ms Le Couteur. I acknowledge the Hartigan family here in the chamber today, especially Jack.

I take this opportunity to highlight the ACT government's commitment to animal welfare, the safety of people, and the safety of animals in our community and focus briefly on some of the work we are doing. As has been noted, the attack that occurred on Jack Hartigan almost seven years ago was terrible. My sympathies are with Jack and his family, but I want to let them know directly that it has prompted considerable change, including to policy, processes, the administration of Domestic Animal Services, and, notably, significant legislative change in this place last year.

We will continue to advance progress in this area. Members will remember that in March this year the Legislative Assembly passed a motion on the management of dangerous dogs in the ACT. Considerable work has been underway since this time. We have been reviewing processes and procedures in the way that the government responds to, investigates and manages a range of matters relating to dog behaviours. We have also undertaken considerable work about informing the community of their responsibilities if they are pet owners to responsibly manage their own animals. As per the Assembly's resolution on 29 March, I have undertaken to come back to the Assembly in September outlining the improvements as well as providing updates on related animal welfare and responsible pet ownership matters.

I again extend my sympathies to the family. I have confidence in the work we have done to date over many years, sadly prompted by considerable distress to the Hartigan family, and we will continue to progress this area, including the animal welfare and management strategy. I believe these will go a long way to addressing many of the animal welfare and dangerous dog matters raised in this Assembly.

**MR HANSON** (Murrumbidgee) (10.42): I firstly congratulate Mr Doszpot for once again in this Assembly bringing forward such a matter of compassion. Mr Doszpot has a very well-earned reputation for this, and I know you will not let go of this fight, even if you are unsuccessful today with your motion.

It was a very weak response from the Treasurer and Ms Le Couteur to essentially dismiss it and bat it away. But the response from Ms Fitzharris was interesting in that she admitted there was a problem. She admitted that this terrible attack was the catalyst for a whole range of changes. Is that not an admission of culpability? Is it not admitting that, as a consequence of this terrible attack of which this young fellow was a victim, the government has then made a whole range of changes? That is an admission that there was a significant problem in the processes and structure so the government had to make changes.

But it would seem that, even though we have what is tantamount to an admission from the minister that this attack prompted a whole range of changes, the victim of this attack will be ignored by the government. The government will now change all its procedures, but the person who is essentially paying the price for all of this will be ignored by this government.

That speech by the minister today will potentially be of great interest if there are any subsequent legal challenges to this decision. I am not a lawyer; I am just making the point in this place. I have real concerns, both legally and morally. There is no question that the government and the Greens are wrong on both counts when it comes to the definition of *ex gratia* payments and what they are for. We have seen that this *ex gratia* payment has been refused in part because the legal avenues explored by the family have been exhausted. But that is the whole point of an *ex gratia* payment: to provide some relief despite no legal compulsion, not because of it. I will quote from the territory's own Financial Management Act, section 130, act of grace payments:

- (1) If the Treasurer considers it appropriate to do so because of special circumstances, the Treasurer may authorise the payment by a directorate ... of an amount to a person (the payee) although the payment of that amount (the relevant amount) would not otherwise be authorised by law or required to meet a legal liability.

To say that there is no legal case here is the exact point. I go back to Mr Barr's speech where he says he sought advice. The legislation does not refer to the Under Treasurer or a nominated bureaucrat who may have written a piece of advice. It is for the Treasurer in this circumstance to demonstrate leadership and make decisions. To bat this away saying, "Well, I didn't like the advice," or "The advice that came in said something different," then what is the point of having a Treasurer? You may as well walk out of this place, Mr Barr, if you are not capable of making decisions that clearly are warranted in this case.

The definition of an ex gratia payment from Butterworths Australian legal dictionary is a payment of money made or given as a concession, without legal compulsion, and the international business directory dictionary defines it as a sum of money paid when there was no obligation or liability to pay it. The commonwealth government also has an ex gratia mechanism which, according to the Senate legal and constitutional affairs committee is:

... the Finance Minister (or his delegate) may authorise a payment if he considers it appropriate to do so because of special circumstances, even though the payment would not otherwise be authorised by law or required to meet a legal liability ... However, the Department of Finance and Deregulation has advised that an act of grace payment may be appropriate in relation to special circumstances that have occurred as a direct result of:

- (a) the involvement of a government agency, where that involvement caused an unintended and inequitable outcome for the applicant; or
- (b) the application of legislation or policy, which has resulted in an unintended, inequitable or anomalous effect on the applicant's particular circumstances.

When you read that and understand what ex gratia payments are for, this is a case that warrants such a payment. Ex gratia payments are not the scenario necessarily for dry legal arguments; this is a scenario, Chief Minister, where you need to act with compassion. We hear it regularly from that side of the chamber but in this case it is sadly lacking. We have here a young boy who has been viciously attacked and grabbed by dogs. I can only imagine the fear and terror that you faced. We sincerely feel for your pain and suffering.

This happened on property that had been on the ACT government's radar for months; it was an ACT government property. It was on the radar as having dangerous animals. The property had been visited by ACT government officials because of those dogs, but the dogs stayed on the property. On one occasion when this young man visited he was left with injuries that required multiple surgeries, skin grafts and ongoing management issues. We know from the minister's statements today that as a result of this attack the government has made a raft of changes.

The government knew there were problems with the dogs that were on a government property. There is no question that this young man was attacked by those dogs on that property. The government accepts that there were problems because they made a whole raft of changes. The legal and technical arguments have not resulted in a payment, and the government refuses now to make any payment to this boy for his pain and suffering and the medical expenses that have been incurred.

It is difficult to see where we go from here. The amendment from the Chief Minister does not seem to indicate any understanding or compassion. Let us look at the actions of this government in what it is prepared to make payments for, the amount of money spent by Mr Barr and other ministers of this place travelling overseas, going to the footy and all sorts of things, fertility treatment for kangaroos, big signs all over the

city, volleyball courts and a whole range of things. If you look in the budget there are millions and millions of dollars spent and grants totalling hundreds of thousands of dollars on a regular basis. But this government cannot find the compassion to compensate for this terrible act that has prompted changes. They are good changes that I hope will stop this sort of thing in the future, but a person who, through no fault of his own, has been the victim of a terrible attack that prompted this whole range of changes is going to be ignored by this government when this government could act with compassion.

Shame on the Labor Party. Shame on the Greens. Mr Doszpot, I am sure you will not be letting go of this matter. I urge you to continue with this fight, and I congratulate you for bringing this important motion before the Assembly today.

**MR COE** (Yerrabi—Leader of the Opposition) (10.52): I had not intended to contribute to this debate because I knew that Mr Doszpot and Mr Hanson had the bases covered, but I want to respond to Ms Le Couteur's contribution where she said that it was wrong to bring this issue before the Assembly. She said, in effect, that it was wrong for us to air the concerns of this family and discuss the public safety of children, families and people in our community.

That is an outrageous thing to hear from a member of the Assembly. It is absolutely wrong that a member of this place would, in effect, rebuke another member of this place for talking about the welfare of a child who was mauled by two dogs in a public housing property despite the fact that concerns had been flagged about those dangerous animals. Somehow it is wrong for the opposition to raise this issue. I think that is absolutely outrageous.

I too, met the family for the first time about half an hour ago. I have not discussed this issue with them at all, but I bet it is not their intention or their wish to have this matter fought out here either. I bet it was their intention and their wish to have had this resolved in private months ago. But this government is not playing ball. This government is not considering the welfare of the family. This is the last resort. After going through the courts and exposing the deficiencies in our legislation, we are now in the chamber because this is their last hope. Coming before the lawmakers of the Assembly like this right now is the last hope for this family it seems. Then to have a member of this place say it is irresponsible to talk in this chamber about their welfare is reprehensible. It is absolutely wrong.

Mr Doszpot has done the right thing in raising this issue in the Assembly today. It is interesting that the two parties that wave the social justice banner the most are the two parties that are ganging up today against a fair and reasonable outcome. Society's expectations are not met in the laws that are in place right now, and Ms Fitzharris has admitted that. Deficiencies have been outlined even in the judge's judgment. And that is the very reason that you have ex gratia payments: where there is a gap between society's expectations and the laws of the land as they currently are constituted.

It is not for the Treasurer to outsource his personal judgement to public servants. Yes, he should seek advice, but the reason that the decision falls upon the Treasurer is

because personal judgement is required; personal judgement must be exercised. Right now the Treasurer is simply outsourcing that personal responsibility that he has under the legislation. There is a shortfall in society's expectations and the laws as they are written, and the Treasurer has an opportunity to try to right that wrong.

The long-term solution is, of course, to fix the legislation. But we are not going to have retrospective legislation to address the issue for this family, and that is where the government has a specific power—*ex gratia* payments—to try to partially right the wrong. Even if the Treasurer disagrees with the amount, perhaps he could authorise a lesser amount or go into some form of negotiation. But saying that no amount is applicable and that no amount is warranted says two things: firstly, that there is no gap between society's expectations and the current law; and, secondly, that there is no in-principle argument that this family is making.

I think the Chief Minister and Treasurer is out of step with community expectations. The fact that this coalition between Labor and the Greens is so tight that the Greens, too, think there is no gap in expectation between the community and the laws shows that they are in lock step with the Labor Party in a very tight coalition. I, too, commend Mr Doszpot for his motion today, and I think it is very disappointing that it looks like it is going to go down.

**MR DOSZPOT** (Kurrajong) (10.59): I was elected to the Assembly nine years ago and I have to say that it has been a very proud part of my life to date to be able to serve the community through what we do here in the Assembly. I also have to say that today I feel a deep shame on behalf of all us, which affects all of us, shame for the way that the obstinacy of having made a decision is being followed. I cannot comprehend and I cannot understand why Mr Barr—through you, Madam Assistant Speaker—who, even now has got his back turned to the family, does not turn and at least acknowledge the family and perhaps meet with them to understand. The opportunity is here for him. We are not talking just about statistics, just about legal requirements. For the life of me I cannot understand how the obfuscation, prevarication, I referred to is still being continued by this Chief Minister here this morning.

The amendment that we are being asked to look at is shameful. We very carefully made sure the motion that I brought before this Assembly was not a political motion. Yet Mr Barr has seen fit to amend the life out of the motion. The motion was calling on compassion for the Hartigan family, to reconsider the *ex gratia* or act of grace payment. That has totally disappeared. Mr Barr referred to the family's request not meeting the *ex gratia* payment criteria. I find that strange because all the legal suggestions that have been made to me are that an *ex gratia* payment is not bound by any legal considerations; an *ex gratia* payment, an act of grace payment, is there to redress an issue that the legal situation, for whatever reason—be that lax legislation or any other issues—does not cover.

I am deeply ashamed of what I heard here this morning, especially from Ms Le Couteur. She and her colleague Mr Rattenbury always talk in very passionate terms about standing up for those who cannot defend themselves. I have yet to hear them stand up and defend someone who cannot defend themselves. Shame on you, the Greens Party, and shame on the government for the way this has been handled.

Initially I tried to keep the emotion out of this but there is no other way of talking about the issues that we are confronted with here. We are not talking about politics, we are talking about moral rights and the moral obligation of this government and of this Assembly.

I have seen Mr Barr's amendment which says that there are things afoot to put in place criteria for this. All of this has obviously happened because of this case. Where future issues occur, people may get a better hearing. But these are the people who have been affected the most at this stage. This is the worst dog attack on a human that I am aware of in Canberra—ever. Yet you are turning your backs on it.

We are not turning our backs on it. Mr Barr has amended everything out of my original motion. I said, in the first paragraph of my speech, that in May 2017 the Supreme Court of the Australian Capital Territory handed down a decision in *Hartigan v Commissioner for Social Housing* which revealed serious and alarming deficiencies in the laws of the territory regarding the control of dangerous dogs and lack of effective remedy for people attacked and mauled by dogs.

In Mr Barr's amendment that has been totally deleted. That was a fact, Mr Barr. You are deleting what are factual elements in the motion that we placed before this Assembly. You want to rewrite the history; you want to put all that behind you. You have not even got the grace to turn around and look at the family. Shame on you, Mr Barr!

Michael Moore in his article in the *CityNews* a week ago wrote a very incisive article about what we are talking about here today. Mr Moore stated, and I will read a couple of paragraphs:

Concerns about precedents are understandable. Government cannot open the floodgates for other claims that largely blame the government for actions of tenants. However, Justice Penfold's judgement goes further than government liability. It implies that it is appropriate for Jack Hartigan to have compensation even though the tenant will not be able to pay. Her Honour does point to a process for the future ... She suggests "an insurance scheme that could provide compensation to people like the plaintiff who suffer from the actions of dangerous dogs which have been lawfully kept in the ACT".

The trouble for Jack Hartigan is that this is for the future. However, it does provide a way forward for the Chief Minister without the concern of setting a precedent. The appropriate action for the Chief Minister is to make an act of grace payment after announcing the government's intention to implement a scheme of the type suggested in the judgement.

That is a positive way forward. Instead, what we get from Mr Barr is an amendment which basically totally whitewashes what we have been discussing here today. There is no judgement. He refers to a young boy being attacked but he refuses to recognise the very judgement that he feels obliges him not to make an *ex gratia* payment. It is a shameful situation.

Chief Minister, we have covered this from a number of points of view. I thank my colleagues, Mr Hanson and Mr Coe, for contributing to this debate. Chief Minister, it is time to take a statesmanlike stance, where compassion is not a sign of weakness but exhibits the willingness to understand the problem and the courage to address the solution which an *ex gratia* payment offers. Chief Minister, it is time to show some compassion and an act of grace.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 12		Noes 9	
Mr Barr	Ms Orr	Mr Coe	Ms Lee
Ms Berry	Mr Pettersson	Mr Doszpot	Mr Milligan
Ms Burch	Mr Ramsay	Mrs Dunne	Mr Parton
Ms Cheyne	Mr Rattenbury	Mr Hanson	
Ms Fitzharris	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	

Question resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

## **Women—government policy**

**MS CHEYNE** (Ginninderra) (11.12): I move:

That this Assembly:

- (1) notes that the ACT Government is committed to representing the rights and interests of women and girls in the ACT, including by:
  - (a) establishing the Ministerial Advisory Council on Women to guide policy-making across government;
  - (b) committing to a strategic and comprehensive approach to tackle domestic and family violence;
  - (c) establishing the Women's Grants Program and the Audrey Fagan Grants program and return to work grants to support initiatives aimed at improving the safety, status and lives of women and girls in the ACT; and
  - (d) introducing tailored policies and work programmed through the women's action plan, and initiatives across all areas of government, particularly for women's health, education, sport and employment;

- (2) reaffirms its strong commitment to putting women's health and wellbeing outcomes first, noting in particular:
  - (a) the Australian Charter of Healthcare Rights states that everyone has the right to access healthcare that respects the patient, their cultural beliefs, values and personal characteristics; and
  - (b) a woman's right to self-determine and exercise autonomy in respect of her reproductive and sexual health is critical to her full and fair participation in our society, including the achievement of her own educational, economic and familial aspirations;
- (3) recognises the significant and positive steps taken by ACT Labor, the ACT Greens and the ACT Government to stand up for Canberra women by taking a progressive and supportive approach to women's health, including:
  - (a) supporting a woman's right to choose, by decriminalising and regulating for safe and accessible abortion in the ACT in 2002; and
  - (b) implementing a protest-free zone around approved medical facilities in March 2016 to protect women who have already made the difficult decision to terminate a pregnancy;
- (4) proudly recognises the diversity of backgrounds, values and beliefs that make up the ACT community, while reinforcing that an individual's own, legal, health choices should not be the subject of interference by others;
- (5) notes that the ACT Liberals have publicly espoused a deeply conservative health ideology which shows a lack of understanding and lack of respect for the autonomy, dignity and health of Canberra women, including:
  - (a) attempting to amend legislation in 2015 to water down the protections for women provided by the protest-free zone around approved medical facilities;
  - (b) statements in May 2017 from the ACT Liberals Shadow Health Minister supporting a regressive and oppressive approach to women's reproductive rights;
  - (c) a column written in May 2017 by Mr Andrew Wall MLA, ACT Liberals Member for Brindabella, in which he criticised the ACT Government's efforts to publicly recognise and pay tribute to inspiring and dynamic activists, including feminists who fought for women's rights;
  - (d) the actions of the Shadow Minister for Women, Mrs Giulia Jones MLA, in February 2016, when she addressed the National Civic Council—an ultra-conservative group vehemently opposed to same-sex marriage, a woman's right to choose and divorce; and
  - (e) statements from the Leader of the Opposition at the 2016 Australian Christian Lobby Election Forum, in which he indicated all abortions are immoral; and

- (6) calls on the Leader of the Opposition to clarify the Liberal Party position on a woman's right to make her own health choices, including in respect of her reproductive and sexual health.

We make a lot of choices in our lives: what subjects to take at high school, what to study at university, where to live, whom to date, where to travel, where to work—the list goes on. We steer our own course in this life, and our choices are our rudder. Some choices will lead us to great things. Some choices will lead us to missed opportunities or regret. But whether our decisions turn out to be for better or for worse, it is absolutely critical that we have a choice. As sentient, autonomous individuals with our own stories, our own ambitions and our own beliefs, our freedom lies in our choices.

There are, of course, a few precursors for people being able to make meaningful choices. In particular, they need to be safe and healthy, and they need to have real options. Sadly, many women and girls everywhere are not in this position. That is why governments need to work hard and that is why the ACT Labor government has a history of working, and continues to work, to make change for women and girls. We are proudly progressive. We stand up for women and we will always stand up for women.

You do not have to look very hard to see the positive steps that the ACT Labor government has taken to promote the rights of women and girls. We have established the 10-year ACT women's action plan. We are delivering on women's health care and will carry out a \$70 million expansion of the Centenary Hospital for Women and Children over the next four years. We have committed \$2.5 million to women's sport to create new sporting opportunities at all levels. We have established the women's grants program, the Audrey Fagan grants program and return-to-work grants to support initiatives aimed at improving the safety, status and lives of women and girls in the ACT. We have committed \$1 million to encourage women to take up a trade in non-traditional industries and we are providing support to grassroots initiatives aimed at increasing the number of women in STEM initiatives.

We want to help to create a community in which women and girls have real options so they can freely make the choices that will carve the story of their lives. We are especially lucky in the ACT that women already have the power to make one choice that can have a significant impact on our life course. It can affect our education, our career and our families. It is the choice whether, when and to whom we would like to have a child.

The Australian Charter of Healthcare Rights states that everyone has the right to access health care that culturally respects the patient, their beliefs, values and personal characteristics. This includes women and the choices that they make about their own body. It is estimated that between one-quarter and one-third of Australian women will decide to have an abortion in their lifetime. For some of these women it will be their first pregnancy; perhaps it is unplanned. For others, it might be that they do not wish to grow their family any further or their relationship circumstances may have changed.

There are myriad reasons why a woman may choose to terminate a pregnancy or choose not to terminate. It is not our place to judge her reasons or her choice. I say: power to her for captaining her own ship, for making her own choices. We all benefit, our society benefits, when women are able to freely and fairly participate in our society, to fulfil their educational aspirations, to pursue their career goals and, if they want to create a family, then to do so on terms that are acceptable to them and, if relevant, their families.

I am proud to be part of an ACT Labor government whose progressive policies on abortion over the past 15 years have given all women in the ACT a choice. In 2002 the ACT Labor government decriminalised abortion and regulated for safe and accessible abortion in the ACT. Truly, thank you to former MLAs Wayne Berry, for introducing the landmark legislation to decriminalise abortion, and to Katy Gallagher who introduced the legislation to regulate the health facilities to ensure the safety of women.

Mr Berry said when introducing the bill that decriminalised abortion:

Regardless of anyone's views on the moral question, we have the collective responsibility to ensure that we cannot be charged with turning a blind eye to the reality of ACT women having access to abortion.

He was making the point, which I reiterate today, that any failure to recognise a woman's right to choose will not prevent abortions. It will simply drive them underground. In his reply speech, Mr Berry also said the following, which I take to heart today:

Even if it passes tonight, this campaign will continue. We have to be vigilant about protecting well into the future any gains that are made. The campaign will not be over.

I am proud to say that the government has continued our campaign to support a woman's right to choose. In 2016 the government took further steps to protect women from the negative mental health impacts, distress and intimidation being caused by protesters stationed outside approved abortion facilities. Women who have made the difficult decision to have an abortion have the right to be able to access the medical services they require without being forced to endure the judgement of others. Our commitment to a better Canberra means delivering policies that reflect our community's progressive values.

Like others on this side of the chamber, I am not pro-abortion, but I am pro-choice and I am pro-women's rights. My message to those who oppose abortion is this: I respect your right as an autonomous individual to make your own choices. I would ask only that you equally respect other women's right to choose.

Sadly, the ACT Liberal Party does not. Rather than respecting a woman's right to make her own decisions about her body and her family, members of the ACT Liberal Party take the ultra-conservative position that government should force women to

sideline their own goals and aspirations for the sake of an unwanted pregnancy. It is repressive. It is oppressive. It limits women. It promotes unhealthy families. And the reality is that abortions still happen; they just become extremely unsafe and traumatic.

What exactly do members of the ACT Liberal Party think? Here is a selection: Mrs Dunne, the shadow health minister—I will say it again: the shadow health minister—recently tweeted her support for the retrograde actions of 25 members of the New South Wales legislature who voted down a bid to decriminalise abortion. Unsurprisingly, 21 of those members were men who are never going to carry a child, give birth or breastfeed a child.

It genuinely scares me, Madam Assistant Speaker, to think of an alternative health minister who considers that a woman who chooses not to proceed with an unwanted pregnancy is a criminal. In the same Twitter conversation, Mrs Dunne hashtagged herself as pro woman. Not only did Mrs Dunne crow about what happened in New South Wales; she had the gall to say that the ACT laws 15 years ago were, and I quote, “bad law just like New South Wales”.

She then described me as “pro-abortion for the votes”. That Mrs Dunne could make light of such a fundamental right, to describe pro-choice as pro-abortion and not just to imply but to outright declare that I stand up for a woman’s right to choose simply to get elected is utterly disrespectful, not just to me but to all women.

Mrs Jones was here today. The shadow minister for women addressed the National Civic Council in February 2016. An alternative minister for women has the support of an ultra-conservative group that is vehemently opposed to abortion, divorce and same sex marriage. As a woman I want a minister for women who stands up for all women, not just a few. And standing up means giving women choices in their lives.

Then there is Mr Wall, who unfortunately cannot be here this morning. He wants to erase feminists from our history. He recently penned a column in which he described himself as appalled at the independent ACT place names committee decision to name a street in Denman Prospect in honour of an inspiring feminist, Julia Trubridge-Freebury, who campaigned for abortion rights.

He seems to think she is not worthy of our respect because she proudly publicised the fact she had four abortions. I think, and I stand with others in the community who think the same and have since written the same in letters to the editor and in conversations, that she was a woman who had the strength to live her life on her own terms.

The Leader of the Opposition himself, Mr Coe, has also unfortunately weighed in on the debate. At the 2016 Australian Christian Lobby election forum he indicated that he thinks all abortions are immoral, regardless of the stage of pregnancy at which they occur. The actions of the ACT Liberal Party regrettably are not limited to comments made on social media and misguided columns and statements. They have actively tried to impose their anti-abortion agenda on the women of Canberra.

Not that long ago the ACT Liberal Party sought to amend the legislation that established protection zones around approved abortion clinics. They readily overlooked women's physical safety and mental wellbeing when they sought to water down the restrictions placed on the protection zones. Instead they would prefer to support protestors whose actions were intimidating and harassing women who were accessing legal medical procedures.

The position of the ACT Liberal Party is arrogant, it is paternalistic and it shows a lack of understanding and respect for Canberra women. It treats women as second-class citizens who should cede control of their bodies to the government if they happen to fall pregnant. It undervalues their potential and their aspirations.

I am relieved, genuinely relieved, that my body is not subject to this oppression. I am proud that the ACT government has liberated a woman's right to choose. I am proud that ACT Labor stands with ACT Greens on this. I call on the Leader of the Opposition to overrule the shadow health minister and other Liberal Party members to support a woman's right to choose. It is, after all, 2017.

**MR COE** (Yerrabi—Leader of the Opposition) (11.25): The opposition is not at all surprised that we have a motion like this on the notice paper again. We have come to expect that government members will keep lodging their attempted wedge motion of the week in the Assembly. Of course, much of this motion includes statements that we do subscribe to. However, clause 5 is yet another example of this government playing cheap politics. It is a serious issue.

This clause, clause 5 of the motion today, is unbecoming of those opposite. Is the Labor Party saying that they do not tolerate people in our community who have a different view? Is the Labor Party saying that people in our community are not entitled to exercise their conscience on this issue? Is the Labor Party saying that people who are pro-life are lesser citizens of Canberra? There is no place in the Assembly or in Canberra for Labor's bullying tactics.

Regarding the stance of opposition members on abortions, the Canberra Liberals treat this issue as a conscience issue. We always have and Labor knows that. Unlike the Labor Party, we have a diversity of views in the Canberra Liberals and we foster that diversity. Unlike Labor, which seems to have MLAs with identical views on every issue, the Canberra Liberals reflect Canberra at large by having a diversity of views on this issue and on many issues.

My personal view is known and I do not shy away from that. But unlike what Ms Cheyne tried to request that I do, I will not impose on my colleagues my view and nor do I expect my colleagues to impose their view on me, least of all on a conscience issue. Each member that is listed in clause 5 in this motion has been elected to this place by the Canberra community and each member listed in clause 5 has been re-elected to this place.

Are Ms Cheyne, the Labor MLAs and the Green MLAs saying that it was wrong for Canberrans to cast a vote for these people? Was it wrong for thousands of Canberrans to vote for these people? Not for one minute would I say that it was wrong for anybody to vote for a Labor MLA or for a Green MLA. But to say that members of this place are not entitled to exercise their conscience I think is reprehensible.

Further to this, the idea of forcing a non-executive member of the Assembly, as per clause 6, to do something is quite unusual. But as I have just said, the motion is redundant because I can confirm that the Canberra Liberals do not have a policy view on this issue. This is because the Liberal Party allows its members to have a free vote, to exercise their conscience, to exercise their personal views on this matter. The Canberra Liberals do not railroad people into voting one way or another on conscience issues.

There are numerous other issues that are listed in this motion that my colleague Mrs Jones, as the acting shadow minister for women, will address. She has been a leading advocate in the Assembly on many issues in this space—issues affecting women in Canberra. Many of them she has brought through motions into the Assembly. She has discussed them in committees or in question time. She will be reflecting on some of the other issues mentioned in this motion but also addressing many of the issues that are not listed in this motion that are pressing for many women in Canberra.

**MRS JONES** (Murrumbidgee) (11.30): I thank Ms Cheyne for raising another motion about her passion for matters affecting women. Up front I would like to deal with my naming in the motion, and I reiterate what I said at the time: I am more than happy to speak to any group of young people about democracy, politics and how they can have their voice heard, especially groups where young women are seeking answers and information. I think we have a women's minister, in Minister Berry, who is trying to find better solutions for women; however, it is clear that we have more work to do, and there is so much that still needs to be done.

In my time here as shadow minister for women, a portfolio that I am really proud to have in the shadow ministry, I have worked to provide very practical solutions that will genuinely impact women's daily lives. Since arriving here, I have called on the government to address the extremely high levels of discrimination and harassment that women experience during pregnancy, upon announcing a pregnancy, whilst on maternity leave and once they return to the workforce. It is an ongoing problem and I would welcome any focus that the minister would put on this matter, as it no doubt affects many Canberra women every year. It would be well worthwhile conducting a thorough survey of all women in our own ACT government departments, to get to the bottom of some of these issues, as well as ensuring that, if there are issues affecting women in our direct influence, we could see those resolved.

I went to the last election with a platform of allowing more flexible work arrangements for any ACT government employee, so that management would need to

deal with such requests using an “if not, why not” model, justifying why they could not accommodate a request, putting the onus back on them rather than on the person requesting the flexible arrangements. I stand by this policy and I think that to genuinely improve the work-life balance of many working mothers this approach would make a really big difference. I recommend that the government take on the policy.

I recall in the last term hearing about women breastfeeding and breast pumping in their cars and in toilet cubicles because their workplace had not provided an appropriate private space, with a lock, for a woman to comfortably and discreetly feed their children or to breast pump. I started by bringing the issue here, to the Legislative Assembly, and seeking change. I called for a lock to be installed on our own breastfeeding room or breast pumping room, and we have now achieved that change here. I have written off to the Chief Minister this week to find out where any such changes for ACT government departments are up to, given that we discussed that in an earlier women’s motion this year and came to an agreed position that that would be a positive thing, if safety matters could be overcome.

I also lobbied for a change table and a breastfeeding or pumping space in the publicly accessible parts of our building, which, unbelievably, had never occurred. The change table was achieved; however, pumping and feeding areas are still lacking and I will continue to lobby and try to get that achieved. I then lobbied for and achieved suitable signage for anyone visiting the Assembly so that people could actually find these facilities. I think it is so important that mums do not have to stay at home with their babies and can come out and be a regular part of the community and participate in all that our city has to offer, visiting their local members or sitting in on question time.

I have advocated for portaloos for women in the fire services. The ESA minister, who originally told me that this was not an issue, has now reluctantly admitted that there was an issue here and it is slowly being addressed.

I have also highlighted to the corrections minister the serious concerns around overcrowding of women in the prison and what a problem it is that women who are incarcerated still do not have access to work opportunities as the men do, and that our prison industries program was developed completely without women in mind. I have been told that a resolution is on the way; we will see how that goes, from the prison industries perspective. Both the issues of overcrowding and industry experience are moving at a glacial pace and the minister’s response is slow. I am not finished yet and I hope that we can get this minister to resolve the problem.

I note that this week the Australian Human Rights Commission released the report *Change the course: national report on sexual assault and sexual harassment at Australian universities (2017)*. Here in the ACT we have a number of universities, and it is extremely concerning that the report showed that 21 per cent of students were sexually harassed in a university setting; 1.6 per cent of students were sexually assaulted in a university setting; 94 per cent of students were sexually harassed; and 87 per cent of those who were sexually assaulted did not make a formal report or complaint to the university. Women were three times as likely as men to have been sexually assaulted in the university setting. I believe that, sadly, our own ANU has one of the highest rates of assault in the nation.

We still have a lot of work to do when the young women of our future are starting life potentially traumatised as a result of a sexual assault or harassment. The question has to be asked: what are the long-term implications for these women? How is the government responding to this crisis in our city? How are we helping to equip these women for success in life if we do not deal with these alarming numbers of assaults and harassments? If that was a statistic in our own workplace, we would all be up in arms.

At the ANU at least 116 students were sexually assaulted last year, with 52 of these happening on the campus; 841 students reported that they had experienced sexual harassment in that same year, 517 of them on campus. The University of Canberra reported 33 sexual assaults in 2016; 248 students reported being sexually harassed, with 110 of them at the university.

Based on these numbers, there are 149 young women who were sexually assaulted last year who are trying to get on with their lives, perhaps trying to study, all while dealing with the trauma of having been sexually assaulted. What are the outcomes for these women and what are we doing here as lawmakers to help these young women and to prevent other young women having to experience the same trauma?

If we want to see women here in the ACT doing as well as they want, I strongly suggest that a real solution be found to the extraordinarily high number of assaults and harassment of young university women in our city. I look forward to anything the minister or Ms Cheyne would propose to do to assist to resolve this unsatisfactory situation.

We need to find better ways for women to be able to blend the hard work of having a family when they choose as well as having a career. Having a family should not mean a loss of career opportunities. There is still a great deal to do to finish the work started decades ago, which many young women believe is already completed, of working out how the realities of being women can be appropriately accommodated and celebrated in our community.

I, for one, will continue to work and lobby for the women of Canberra to be able to have the family life they want, when they choose, and a career too; for the choice to be theirs, and not a choice on which our society still has not managed to get the details right and on which they feel forced to make a decision.

**MS LE COUTEUR** (Murrumbidgee) (11.37): I am pleased, of course, to stand today in support of this motion because it is important that we prioritise women's health and wellbeing outcomes by taking a progressive and supportive approach to them. Women make up over 50 per cent of the population and, as a proud member of the first female majority parliament in Australia's history, we as a parliament must work together to ensure that the human rights of women and, of course, everybody, are upheld.

Women have a right to autonomy over their bodies. I remember only too well the photo, which I imagine most of us here saw, the picture of Donald Trump surrounded

100 per cent by men, signing the executive order banning foreign aid to international healthcare providers who discuss abortion or advocate for abortion rights. I found it absolutely appalling. It was bad policy, and it was also bad because men were 100 per cent deciding what they thought was best for women. In this chamber we can do better, and we do.

Figures show that Australia's foreign aid funding for reproductive, maternal and sexual health has decreased from \$46 million to \$23 million since 2012. This appears to have been done quietly and stealthily. It is a sign that conservative governments in Australia continue to undermine and erode women's rights to bodily autonomy. I am at least thankful that some of this important funding from our conservative government remains, possibly because there is a female foreign minister. The Liberal Party is probably also aware that even amongst its own members there is large support for family planning services.

In April this year Family Planning NSW surveyed and found Australian voters across party lines do not support foreign aid restrictions outlawing funding of family planning services. Specifically, among coalition voters at the time, 64 per cent did not support outlawing funding of family planning services as part of our foreign aid. I am heartened by this, and I am hopeful that the conservative parties will look at those numbers and act in the best interests of people as a whole, conservative or otherwise, and in a way which is clearly supported not only by the majority of their supporters but by the majority of Australians.

The ACT is a human rights compliant jurisdiction and has been since 2004. It is a basic human right to have access to health care. Section 9 of the ACT Human Rights Act 2004 stipulates that the right to life applies from birth and not before. As a human rights compliant jurisdiction, this does not in any way prevent women from accessing pregnancy termination services. Equally, at section 12, "Privacy and reputation" there is a right not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily and not to have his or her reputation unlawfully attacked.

That is why, in March 2014, my Greens colleague Shane Rattenbury introduced legislation to specify privacy zones to protect women accessing legal medical termination procedures. I would have to say that decisions to terminate a pregnancy are never made lightly. This decision, or this consideration of a possible decision, is always accompanied by much angst and emotional turmoil. Women need to be able to access medical abortions without running a gauntlet of prejudice and unwarranted judgement. They have a basic human right to seek and receive medical treatment unhindered and unimpeded.

This does not mean that I do not agree with the right to protest by people who disagree about a woman's right to choose. They, of course, are free to speak about their beliefs, but not where they do it in a way that impinges on another person's right to access a legally available healthcare service. This means that any protests should not be outside the entrance of healthcare facilities where women are seeking the medical services that they are legally entitled to.

The rationale for this legislation was aptly captured by a constituent who wrote to Mr Rattenbury at the time, and it is worth repeating. The constituent said:

Democracy is not just about rights but also responsibilities, which includes I believe responsibility to contribute to a civil, respectful, cohesive society and do no harm to others. So while I welcome the right to protest and express opinions, this must be tempered by the respect for those on the other side of the fence, in this case women seeking/about to have an abortion. We do not know their stories. Intimidating, harassing, threatening, abusive behaviour, or filming and obstructing the path of these women outside clinics, at a very emotional and vulnerable time, is not respectful. Protesters should make their views felt to law and policy makers, politicians, media.

We must remember that we live in a secular society and that we should be governing for all Canberrans, not just those with particular religious beliefs. That is why it is important that we have a human rights framework, as we do in the ACT, and that is why we need to uphold a woman's right to choose whether or not to have a child.

More broadly, personally I believe that population increase is a concern for the whole world. We certainly appear to have more people than there is room for in this world. We have a finite world. There is increasing evidence that people are negatively impacting upon the planet. The rate of species extinction has accelerated. We are now entering what people are calling the Anthropocene, where we are increasingly dictating what happens for the world as a whole, not just for individuals. I refer to the rate of species extinction, climate change, and the plastic sinks in the oceans with kilometres just filled with plastic.

I did a bit of quick Googling before this speech and the consensus seemed to be that we would need three planets of the size and with the resources of the Earth if we wish to continue sustainably supporting our current population. If we wish to support people at the rate of material consumption that we are fortunate to enjoy in the ACT, I think the figure is looking more like five planets.

That is another reason why women should have a say about whether they wish to have children or not. Ideally, every child should be a wanted child. This will ensure that they are nurtured to reach their potential and are able to participate as members of our society in a meaningful and positive way. This is why we need to have access to birth control, and that birth control measures are affordable. Similarly, we need to ensure that termination services are affordable. Clearly, if you cannot afford termination services, it is almost impossible to believe that you would be in a position to be able to afford to raise a child.

Mrs Jones talked earlier about sexual assault and sexual harassment, which I have to agree is a serious issue. I think this is even more reason why we have to allow women choice with respect to termination services. How bad could it be if you have been sexually assaulted and, as a result, have ended up pregnant and to then be forced to bear a child that you have absolutely no desire whatsoever to bear? It is hard to understand why some people feel that that is a choice that a victim of sexual assault has to go through. It is very hard to believe that people here believe that is a reasonable thing to force women to do.

For some people who do not support the right to legal, safe terminations, a lot of them seem to be unaware of the impacts of bearing children on women. Until fairly recently this was the most common cause of death for women in that age group. Fortunately, now in Australia the situation is a lot better, although I point out that the rate of maternal death in childbirth in America is twice that in Australia. I think that is, to quite an extent, a result of the greater domination of conservative, male-oriented religious beliefs regarding the appropriate position of women in society. I think that is very sad. We are fortunate to live in a modern secular society here in Australia, and I feel very much for those women who are unfortunate enough to live in societies where there is more traditional religious domination.

As was pointed out by Ms Cheyne earlier, not all parts of Australia have legal access to pregnancy termination services. This is a real issue. The people who need these services and are unable to access them are, in many cases, the women who will find having an unwanted pregnancy most problematic. It is clear that women, even in this secular society, have the most responsibility for children. Having looked at the recent ABS statistics about time use, it is still women who do the domestic work and who look after the kids.

The decision as to whether or not to have a child overwhelmingly impacts on the woman. We organise the child care, we take the kids to and from school, we cook, we wash, we work part time, with significant impacts on our long-term financial futures. We all know that women's super is much less than men's. It is not because we are less capable; it is because of the other things in general that we have to do as part of being a woman and a child raiser.

With respect to the motion, I thank the Leader of the Opposition for making his personal position clear on this issue, and I respect him for that. This is clearly a highly emotional and personal position. That position, reasonably, is his personal position; it should not be a position that he, his party or anyone seeks to impose on other people, and in particular on other women who may be in the difficult situation of having to decide what to do.

As human beings, we all have the right to control over our bodies, and the right to legal terminations is part of that right. I thank Ms Cheyne for this motion. I think it is unfortunate that this is an issue which is still being debated. Centuries after the medical technology for safe abortions came about, we should not still be debating whether or not women have the right to have them.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (11.51): I begin by making a point about what motions are or are not appropriate to bring into this place, and how often they can be referred to. I strongly believe that there is absolutely nothing wrong with newer members in this place, young women, bringing motions into the Assembly to celebrate the gains that have already been made—particularly in this case; to ensure the rights and protections of women; and to maintain constant vigilance to ensure that the rights and protections of women continue.

So I thank Ms Cheyne for bringing this important matter to the attention of the Assembly today. As Mrs Jones says, there is always, unfortunately, more work to do until women and girls are treated equally. It is my hope that, having now a majority of women elected into this place, we can continue that work and together make a special effort to ensure that the rights of women and girls are more equal and that we are a better city, a more equal city—indeed a more equal world—for the work that we do in this place.

People will know my views on this very important matter. I want to take a few moments to reminisce a little and talk through some of the debates in this place in 2002, when a number of bills were introduced into the Assembly to remove the crime of abortion from the Crimes Act 1900, to ensure that abortions could be carried out in a registered medical facility.

Much of this information has been sourced from *Hansard*, but also from conversations with the person who moved that motion and changed that regulation here in the ACT. I imagine that the argument would still hold relevance for members today. The Crimes Act, before the reform was enacted, had a penalty of up to 10 years in prison for a woman who procured her own abortion. For someone such as a doctor who performed an abortion, or for someone such as a pharmacist who provided drugs which may be used to perform an abortion, the penalty was 10 years' prison regardless of a woman's circumstances. Ten years in jail—it is unbelievable. And it is unbelievable that it continues to be the case in other states and territories regardless of the circumstances of a woman or the choices that she would make to procure an abortion.

Our Crimes Act was modelled on the New South Wales Crimes Act, which was in turn based on the United Kingdom's Offences Against The Person Act 1861. Wayne Berry MLA, my father, pointed out in his speech that in 1861, when this law was put in place:

Women ... were considered the property of their father until that possession was transferred to their husband. Continuing the family line—that is, bearing children—was considered essential. Women did not work outside the home. Women were not allowed to own property until 1870. Women could not become members of parliament in the United Kingdom until 1919, and they did not get the vote until 1928.

In Australia, of course, women got to vote in 1902.

His point was that many things have changed since 1861. Women are no longer considered just items of property that procreate for the good of their community or family. Women can now vote, they can stand for election, they can work, they can own property, and they can make decisions about their lives and their bodies.

A great example of how much women have achieved is that we have a majority of women in here. Yet we still find ourselves defending the right of women to retain

control over their bodies, and we still have to defend decisions about whether it is okay to acknowledge the work of women activists who have gone before us. I am referring to the women who have made significant gains for girls and women in our community, and whether it is okay to name a street after them.

At the same time as abortion was removed as a crime, my father and Katy Gallagher repealed the Health Regulation (Maternal Health Information) Act. You might remember the Osborne bills, which required women to view unborn foetuses before they were permitted to proceed to consent to an abortion. At this time, the health panel which was set up under the act was unanimous in recommending against the use of pictures, due to its being “irrelevant” and in some cases “counter-productive and could cloud the issues”.

This act also required a woman to wait 72 hours before undergoing a termination, which my father labelled as one of the most offensive provisions in the act. He stated that it was utterly false to presume that women come to these important decisions in a vacuum. In that debate, former MLA Bill Stefaniak said that if my father’s bills were successful the ACT would again be a “social laboratory”. If ensuring that women have access to decisions about their own lives and their bodies means that we are a social laboratory, then let that be the case.

Former Greens Party MLA Kerrie Tucker asserted that the bills would “make abortions safer, less fraught with guilt, blame and harassment—and remove a possible criminal sanction.” She went on to say: “Abortion is a last-stop option for women to have some control over their own fertility. It is the last-stop option for a woman who is pregnant and who, for personal reasons, is not in a position to bring a child into the world.”

When I look back at the debates on the day that my father’s bills succeeded, I see a group of MLAs—the majority of them men—grappling with the issues of conscience over how women should live their lives. I am glad that in some ways we have moved on from that time and that most of us can just get on with our lives.

Fast forward to 2015 and the issue of anti-choice protestors filming and handing out material to women as they were entering the clinic in Civic. This came to a head with the decision to enforce exclusionary zones through legislation. It was acknowledged that everyone has the right to protest—all of us support that. I am a very big supporter of people’s right to protest. But what was more appropriate than a protest at that place was to take the protest to this place, the Assembly, not the place where an already tough decision was being taken by a woman about an issue that is difficult and fraught already.

I support this motion, because I think that everybody in our community should be supported to make legal choices for their own needs, for their own bodies, on their own terms. It is disappointing that even today we must remain vigilant in protecting the rights of vulnerable people, particularly women. That is why women like Tara Cheyne, elected members in this place, need to continue to bring motions into this place and to continue the conversation until we have a more equal world where women and girls have rights, and continue to have rights, over their bodies.

I have great hopes that having more women in this place, more sisters in the struggle, will lessen the risk of downgrading basic rights and protections for women and ensure that policies always protect women and support them to live the lives that they want and need to live.

I am grateful and thankful that my dad made it his goal to free women from the bounds of outdated legislation and to pave the way for women to be able to find the support and services that they need, in their time of need, without the threat of a 10-year jail sentence. I thank Ms Cheyne for bringing the motion to the Assembly, and I support continued conversation and continued vigilance in this place to ensure that those rights continue.

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.00): I join with my colleagues to thank Ms Cheyne for bringing this very important motion into the Assembly. I am incredibly proud of the achievements of this and previous Labor governments in supporting and promoting the rights of women, not only here in the Assembly but also right across all walks of life in our community, through the labour movement and more broadly in our economy.

We do believe in promoting and safeguarding the freedoms and rights necessary for women and girls to participate in all areas of Canberra life. We have enshrined them in legislation. We walk the walk and we help and support women and girls so they can have opportunities our mothers, their mothers and their mothers before them worked so hard for.

Labor has done more to encourage women in public life than any other political party in Australia, indeed, right across the world. We believe in equity, equal pay, diversity and choice. It particularly saddens me that in 2017 we still have a significant pay gap between men and women, which effectively means that for every working week women work nearly a whole extra day, relative to men, and do not get paid for it. We do have a lot more work to do to progress this social change.

Ms Cheyne has discussed the importance of the right to reproductive freedom and the need to support women's sexual and reproductive health. I know that this can be a sensitive issue amongst some members of our community. I want to make it clear that access to these types of health services—safe, regulated services that can be accessed without experiencing fear, prejudice or regret—is an individual right. I support unequivocally a woman's right to choose. It is essential that we provide health services to women in this community for the services that they need, when they need them. The efforts of the other side, in particular their activism in opposing exclusion zones around abortion clinics, are not something that I support.

I thank Minister Berry, the Deputy Chief Minister, very much for an extremely important reminder of the history of this issue. Mr Coe, some 30 minutes after saying that it was outrageous to rebuke a member of the opposition for bringing a motion to this place, then barefaced got up and said exactly the same thing to Ms Cheyne. The hypocrisy is staggering.

He also claimed that his opposition benches reflected the community at large. Certainly all of us here understand the deep commitment that people make to run for this place, and that they are, indeed, elected by the ACT community. But I challenge him to explain why what appear to be half the members of his team do not support women's sexual and reproductive health. Not only do they not support it, the shadow health minister is not present for this debate, and he stated: "The ACT Opposition Leader has stated that the Canberra Liberals have no policy view on women's reproductive and sexual health." They have no policy view.

The shadow minister for health took it upon herself to proactively congratulate, on social media, efforts against decriminalising abortion in New South Wales. She proactively went out to congratulate those people on their votes in their assembly. Mr Coe really needs to reassure the Canberra community—given that it appears that over half of his team do not support women's sexual and reproductive health; they do not have a policy view; they cannot even confirm that they would support a woman's right to choose, a woman's right to access reproductive and sexual health care—that that is not what they would seek to achieve as he offers himself as the alternative Chief Minister of this territory.

It is simply unacceptable that in 2017 the Canberra Liberals do not have a policy view on women's sexual and reproductive health. We do not know where that ends. I certainly respect, although I vehemently disagree with, their views on terminations. Where does it end? Sexual and reproductive health covers a wide number of accepted publicly funded health services through the Canberra Hospital, through ACT Health and through the vast majority of our primary healthcare providers in the ACT. What else will the Canberra Liberals try to restrict in women's sexual and reproductive health? There is an urgent need for the Leader of the Opposition and the shadow health minister to clarify that they will not seek to limit women's reproductive and sexual health in putting themselves forward to the Canberra community as an alternative government.

I thank Ms Cheyne. I thank Ms Berry in particular for drawing attention to what sadly remains something that women and men need to be vigilant about. We still see abortion criminalised by legislatures across the country. We know that women will still want to access these services. In the event that they are criminalised, they become unaffordable, unsafe and detrimental to all women. I support Ms Cheyne's motion.

**MS CHEYNE** (Ginninderra) (12.06), in reply: I strongly thank my colleagues the Deputy Chief Minister and Minister for Women, and the Minister for Health for their support, for their absolute commitment to these issues today and for their comments. I also thank the Greens for their support and their ongoing commitment to women's rights, and particularly women's sexual and reproductive health rights.

I also thank the opposition for raising a number of issues, and I note Mrs Jones's work in this area. But, regrettably, I think a number of the issues raised today did not speak directly to the motion. I can only assume that it was an attempt to distract from the important issues at hand. I want to put on the record, to back the Minister for Health,

that I think it is extremely disappointing that the shadow minister for health has purposely absented herself from this important debate about health issues. The opposition leader says he has come to expect “these sorts of motions” from us, but I will counter that. His ensuing comments underline what Mr Berry said 15 years ago: that we must be vigilant.

The issue of abortion is complex. No-one is denying that. It inevitably raises issues of philosophy, biology, morality and religion. Some people hold genuine concerns for unborn foetuses and for the wellbeing of women who experience an abortion. Others here, me included, think abortion gives women power over their own lives and hold genuine concerns for the wellbeing of women who are not able to access a legal and safe abortion. We have heard all of that today. I think we can all agree on one thing: that pregnancy and abortion are significant issues, particularly for women—half the population—and our views on these topics are deeply personal. With that mind, I say again that this is a matter about individual choice.

Of course our party and our government respect a diversity of views. But the best way to respect a diversity of views is by allowing women the choice. Allowing choice is the greatest way to allow people to exercise their conscience. So it stands, by the opposition leader’s own reasoning, that the ACT Liberal Party should be pro-choice. They should not be allowing any member, not least the shadow health minister, to impose their views on other people. It should absolutely be about choice. Apparently they allow choice in the ACT Liberal Party, so why do they not come out and confirm that they are also pro-choice, as they should? Canberrans deserve to be represented by individuals who, regardless of their personal views, are willing to grant women the dignity and respect of deciding for themselves what they do with their bodies.

We now have the benefit of 15 years of hindsight when assessing the outcomes of decriminalising abortion in the ACT. The “grave concerns” raised by the opposition Liberal Party back in 2002 have not manifested themselves. Approved abortion clinics have not become soulless termination factories, pushing women into an abortion without adequate information or care. If a woman gets in touch with an approved abortion clinic, she will be able to discuss her options and access counselling and after-care services. And the floodgates have not opened. At least, the gates have not opened unless you are talking about the gates from backyard abortions into approved medical facilities, where abortions are carried out by trained medical professionals in a safe and non-judgmental environment, as they should be.

Women have always had abortions and they always will. To deny them the choice of a safe abortion is naive and dangerous. ACT Labor is not scared of progress. Nor are the Greens, if I may speak for them. Our commitment as a government to a better Canberra means delivering policies that reflect our community’s progressive values. If we are the first on some issues, then we will lead the way. The opposition leader has said his party has no policy on this. My view, like the Minister for Health’s, is that that is entirely inappropriate for an apparent alternative government. It is not appropriate to not have a policy on issues that affect half the population.

So I call on the Opposition Leader to lead his party—to actually lead his party on this issue, as his title suggests—to reassure the women of Canberra that this entire Assembly respects them as autonomous individuals who are capable of making their own decisions about their own bodies; to support those women who make the difficult decision to terminate a pregnancy; and to recognise that a woman deserves to be treated with dignity and respect when she accesses abortion services, because her decision is no-one else's business.

These principles are not conscience based. They are basic common sense. I call on the Leader of the Opposition to show leadership and to overrule the absent shadow health minister and other Liberal Party members by supporting a woman's right to choose. This is not a game. This is not a motion being brought for political reasons. As the health minister said, this is absolutely urgent.

Question resolved in the affirmative.

## **Canberra Hospital—infrastructure**

**MRS DUNNE** (Ginninderra) (12.13): I move:

That this Assembly:

- (1) notes that the ACT Health Infrastructure Asset Condition Report and Minor Works Priorities prepared by AECOM Australia Pty Ltd identified four extreme risks and 143 high risks at The Canberra Hospital; and
- (2) calls on the Minister for Health and Wellbeing to report to the Legislative Assembly, by the first sitting day of September 2017, on the progress of work to fix each of the extreme and high risk issues identified in the AECOM report including:
  - (a) the cost of fixing each of the issues;
  - (b) progress to date on each of the issues; and
  - (c) when each of the problems will be rectified.

The Canberra Hospital was opened in 1973 in the guise of the Woden Valley Hospital and it took in its first patients in that year. After some redevelopment in the early 1990s, the Royal Canberra Hospital and the Woden Valley Hospital were amalgamated on one campus and in 1996 it was renamed the Canberra Hospital.

But some elements of the now 40-year old campus have been allowed to continue operating without substantial refurbishment. In April this year we saw a consequence of that when a fault in the main electrical switchboard in building 2 caught fire. This fire resulted in patient evacuations, infrastructure closures, equipment shutdown and surgery cancellations and impacted on a range of other operational elements. Against the odds, the staff of the hospital did their very best to ensure the safety of all patients and must be applauded for their dedication.

But this government's neglect of ageing hospital infrastructure cannot be applauded. It must be condemned. Staff should not be expected to fear the government's neglect. They should feel safe and secure in an assumption that the government will provide a safe workplace and reliable equipment and services. To be sure, emergencies can occur from time to time but when those emergencies come about because of a government's neglect then the government needs to be held to account.

That is why I have sought over a long period the ACT Health asset condition assessment report conducted by AECOM Australia Pty Ltd. AECOM gave this report to the government in February 2016 but the government has sought to hide it from the people of Canberra under the invisibility cloak of executive privilege. It did not want the people of Canberra to know that there are about 600 issues identified across the Health portfolio covering building structures and fit-outs, services and external works.

One of the more bizarre findings was that a wall is not vertical and is in poor condition and in advanced deterioration. Another is—I love this one—the distribution cupboard. This is an electrical distribution cupboard in the main reception administration area which the report says is poorly maintained. It says that the distribution cupboard is currently used as an additional storage space for random items such as a condom machine. The recommendation states that these items should not be stored in these areas.

The government did not want the people of the ACT to know that its neglect of health infrastructure would cost more than \$100 million to fix. The government did not want the people of the ACT to know that fully 44 per cent of that cost, or \$46.6 million, would have to be spent to fix issues that are rated extreme and high risk. And most of those extreme and high risk issues are at the Canberra Hospital.

The AECOM report identified four extreme and 143 high risk issues at the Canberra Hospital. It further identified 2016, that is last year, as the year in which the four extreme issues should be fixed. Perhaps the minister could enlighten the Assembly as to why those issues were not fixed in 2016, as the AECOM report suggests.

AECOM identified 2017-18 as the year in which the high risk issues should be fixed. Now we are a month into that new financial year and this is why I am asking, through this motion, the minister to update the Assembly as to the schedule to complete those works. It will be enlightening to see whether these works will be completed in this financial year.

This government has seen problems developing with the switchboard and other parts of the electrical system at the Canberra Hospital since 2007. The government has known for at least 10 years that problems were developing in the 45-year old electrical switchboard system at the Canberra Hospital. The AECOM report identified the main switchboard upgrades at the Canberra Hospital in the extreme risk category which should have been fixed in 2016.

It must, of course, be acknowledged that in January 2016 the government began scoping work for a new electrical switchboard in building 2. But it was not until April 2017, some 15 months later, in fact, and two days after the switchboard fire, that the contract for replacement of the switchboard, amongst other infrastructure works including the switchboard in building 12, was signed. The new switchboard for building 2 to replace the one that caught fire is slated for completion by June 2018, in fact, 18 months after the recommended time in the AECOM report: so much for doing it in 2016.

This kind of inaction is a hallmark of this government. It is the kind of inaction that resulted in the fire that perhaps could have been mitigated and an associated emergency that perhaps could have been avoided. This government has been willing to hide these dangers from the people of Canberra. Thankfully, the independent arbiter did not see that it was a suitable course for the government to take and the AECOM report was made available to members of the Assembly in the interregnum between sitting periods and was eventually tabled and published yesterday. It is why I am bringing this matter to the Assembly at the earliest possible time after the publication of the report.

What we have seen is the somewhat lacklustre performance of the minister over many weeks, possibly months, in relation to much of her portfolio. And it continues in this area as well. The Minister for Health and Wellbeing seems to be becoming the minister for plausible deniability. We have heard along the way since she has become the health minister that she did not know about and was not briefed on issues relating to data; she did not know about and was not briefed on—but I think the Minister for Mental Health finally admitted that they collectively had dropped the ball in relation to this—the opiate replacement guidelines; she did not know about and was not briefed on the five-year late report on bariatric surgery; she did not know yesterday about equipment which had been sitting idle at the Canberra Hospital for five years waiting for installation, to improve food handling in the hospital. And we could do with improved food in the hospital.

On radio this morning the minister said—and I think that she needs the opportunity to set the record straight—that she did not see the AECOM report until a couple of months ago. But we know, because this information was circulated to all members by the Clerk after the appointment of the independent legal arbiter—and this is information provided by the Chief Minister—that this report was finalised in February 2016 along with another report, the sustaining ACT assets business case, known as the business case, which was finalised also in February 2016, was brought to cabinet on 4 April 2016.

This minister was not the health minister, she was only the assistant health minister back in those days, but she was a member of cabinet and I am presuming that the cabinet discussions on 4 April 2016 were in relation to appropriations for the hospital. But the minister said on radio, without a pause, that the first time she had seen this report was a couple of months ago.

The conclusion that I can draw from that is either that the minister is mistaken and her recollection is bad and she needs to correct her recollection or that she is a negligent minister who went to a cabinet meeting where the cabinet made a decision about the options in the business case and did not look at the report. Both of those things cannot be true at the same time. The minister needs to come in and make it clear what is the case. Was she a negligent minister in April last year and did not read the report and is it true that she only saw this report for the first time a couple of months ago?

Then she needs to answer the question: why is that the case? Why is it that this minister has not seen this report when the opposition has been asking for it, when Mr Hanson was asking for it last year, when Mr Coe has been asking for it, when I have been asking for it? Why is it that she had not seen this report and why is it that she was not briefed on this in her incoming minister's brief? This work is a substantial amount of the capital works that need to be done at the Canberra Hospital.

All of the positions that the minister put forward are not credible. Some of them are wrong and she needs to, in this place, tell us what actually happened and when she first knew about this report. Quite frankly, I find it hard to believe her assertion on radio that she saw it only a couple of months ago and if she did see it only a couple of months ago there is a fundamental breakdown in the operation of the minister's office where she is not sufficiently hands-on to know what is going on in her department in relation to the infrastructure.

This motion that I have brought forward today is a straightforward one which calls for accounting. It calls for the minister to come back in the September sitting and itemise the 147 extreme and high risk issues notified at the Canberra Hospital and outline to the Assembly what has happened with each one of those 147 items, what money is allocated to it and what is the timetable for the completion of works to rectify the 147 extreme and high risk issues. And it does need to be itemised for all of those.

This, as you can see, members, is an extensive report. Actually, there is another volume. I must have left it upstairs. It is an extensive report. It is more than 500 pages and it highlights a range of issues. I will dwell on just a few. I think I will dwell on the ones from the tower block because I think that the tower block is probably the oldest part of the infrastructure and some of the issues there are most significant.

The mechanical pumps are in poor condition. The report says that the units do not appear to be functional and are not in service, that they are likely to be at the end of their service life. The split system in the cooling nodes cannot cope with the ambient temperature, a temperature whose fix has been provided by ducting air from another system into the back of the unit. The mechanical distribution boards in some cases have loose panels or missing fittings. Many parts will be obsolete. Feed cables are no longer supported by current standards. The battery room is not fire rated. This is a compliance issue. I like this one: the yellow Detroit generator is inoperable and currently out of service. Supply cables of a temporary generator are not fire rated or adequately protected. The standby generator does not operate and needs replacing with a different standby generator.

These are the issues that relate just to the tower block. Building and air handling systems in the reception block are particularly worrisome as well. There are some doozeys. This one relates to building 3: exposed sets of cables which indicate they are live. This is highly dangerous and potentially harmful to electrical services personnel. In addition, one cable had exposed ends that are covered with electrical tape, making them unacceptable and not in compliance with the Australian standard. In my office we have joked—and perhaps we should not joke—that perhaps they are holding the hospital together with baling twine and duct tape and it turns out from the AECOM report that there is duct tape being used in a non-compliant way.

This motion is simple and straightforward. It calls on the government to be accountable and to agree to inform the Assembly by September this year of the full accounting of what has been done in response to the AECOM report and the 147 extreme and high risk issues that are in place. I commend the motion to the Assembly.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.28): I thank Mrs Dunne for this motion, which the government will be supporting. The Canberra Hospital and the many health assets that ACT Health manages are of different ages. It is certainly the case that the Canberra Hospital campus is approximately 50 years old, with some facilities being only a couple of years old. It has consistently provided high quality healthcare services to the Canberra community. ACT Health regularly undertakes routine and planned maintenance of all its infrastructure, including Canberra Hospital.

As part of this approach to effectively plan, an extensive desktop audit of ACT Health infrastructure was commissioned in October 2015 and provided to ACT Health in February 2016. This report, which is titled *ACT Health Infrastructure Asset and Condition Report and Minor Works Priorities*, was undertaken by AECOM and is the subject of today's motion.

Commissioning a report such as this is exactly what good governments do every day: undertake detailed work to inform planning, funding and delivery of essential services. The AECOM report provided an audit of all ACT Health assets, which at the time of the audit included 31 individual facilities across the territory, one of which is the Canberra Hospital. Within the Canberra Hospital there are 23 separate facilities or buildings identified.

As with any assessment and report of this nature, a condition assessment was undertaken and risk ratings were applied to ACT Health facilities and infrastructure items in order to assist the government to prioritise. These risk ratings ranged from low to extreme. Of course, the report identified a number of items which were used to inform the development of the subsequent 2016-17 budget initiative to upgrade and maintain ACT Health assets. It enabled the government to prioritise its investment, again, something that good governments do every day. Indeed, they are essential to good government. That is exactly what this government did. This UMAHA initiative in last year's budget will deliver \$95.3 million of upgrades to ACT Health facilities, the majority at Canberra Hospital.

As has been noted in the AECOM report, there were four items of infrastructure with an extreme risk rating identified. Those items and the subsequent remediation which has taken place are as follows: the upgrade to the helipad was completed in January of this year; windows in TCH building 1 have been remediated and downgraded in their risk rating; the electrical main switchboard replacement, I note, was the subject of an extensive statement by me in this place in May; and the building 12 gas metre relocation project is expected to be completed within the next month.

In total, 149 items will be addressed through the upgrade and maintain ACT Health assets budget initiative. They include in that initiative all items rated as extreme or high risk rating across ACT Health properties and a number of medium and low risk rating items associated with Canberra Hospital buildings 2 and 3. In addition, where practical, ACT Health will try to mitigate outstanding medium and low risks through the facilities management business-as-usual repairs and maintenance and/or plant and equipment recurrent funding.

As we know, this report was released to members of the Assembly yesterday but I note that certain members of this place have had a copy of this report since 19 June. I again remind members that on 9 May this year I made a very extensive statement to this place regarding the electrical switchboard fire and subsequent power shutdown at Canberra Hospital.

I can assure the Canberra community that ACT Health continues to deliver health services of a high quality in a safe environment. The government will continue to deliver on its commitments to upgrade and improve health services and infrastructure, including work already underway to deliver on our previous and newer commitments, most notably the University of Canberra public hospital, scheduled to open in a year's time. This government has a proud record of investment in our health system and this extends to investment in infrastructure, demonstrating the importance of ensuring that the community has access to high quality health services.

As I noted, the government will be supporting this motion and I look forward to returning to the Assembly in September to follow up on the actions required in the motion today and also to outline additional work that the government is undertaking to ensure that our health services and our health facilities remain of the highest standard. This includes \$17 million in this year's budget to upgrade the acute aged care and oncology wards.

I would like to take this opportunity to reassure members of the Canberra community that ACT Health did the right thing, commissioned a report and provided prioritisation that informed a budget initiative of nearly \$100 million last year. All that work is underway. I have made extensive statements. I will continue to be open in numerous forums, including in the Assembly and with the media and with the opposition. Governments must be able to undertake assessments of infrastructure, they must be able to properly prioritise investments in each budget. That is exactly what this government did. That is exactly what I now have the responsibility to ensure that ACT Health deliver, because it is the expectation of me as minister, of this government, of the Assembly and of the community.

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

**Sitting suspended from 12.34 to 2.30 pm.**

### **Questions without notice**

#### **Bimberi Youth Justice Centre—safety**

**MR COE:** My question is to the Minister for Disability, Children and Youth. Minister, in yesterday's statement you belittled and intimidated complainants and staff by stating that this discussion is about "unsubstantiated allegations" and "recent sensationalist headlines". On 8 July, an Amnesty International spokesperson is quoted as saying that "ultimately that comes back to the ACT government and [Ms Stephen-Smith] about taking seriously any allegations of child abuse and ensuring independent investigations are undertaken". Minister, is the *Canberra Times* report of 8 July about another assault of a youth worker an example of "unsubstantiated allegations" and "recent sensationalist headlines"?

**MS STEPHEN-SMITH:** I thank the Leader of the Opposition for his question. I made it clear both in my statement yesterday and on radio yesterday afternoon that the particular allegations that I was referring to related to allegations of drug use and allegations of organised fighting within Bimberi. As I said in my statement yesterday, the Community Services Directorate has not found any evidence to support such allegations; neither has it received any evidence to support such allegations.

I have also said repeatedly that if people have evidence to support such allegations, they should absolutely bring that evidence forward to the Community Services Directorate, to ACT Policing or to the Human Rights Commission so that such allegations can be investigated. We take all of these allegations very seriously. But I also have a responsibility to consider the wellbeing of staff and young people in Bimberi and their families. So I did make the point that repetition of allegations that the directorate has repeatedly said it has no evidence to substantiate is harmful to morale at Bimberi and is harmful to the families of the young people in Bimberi.

**MR COE:** Minister, what mechanisms are in place for staff and young people to pass on allegations or evidence about crimes or potential crimes that have taken place at Bimberi?

**MS STEPHEN-SMITH:** I thank the Leader of the Opposition for his supplementary question. As I said in my statement yesterday and have repeated on a number of occasions, official visitors are in Bimberi on regular occasions. Last financial year, official visitors visited Bimberi on 46 occasions. They are there to speak to the young people in Bimberi so that the young people can raise any concerns that they have about their treatment or about the way Bimberi is managed. They also engage regularly in conversations with staff at Bimberi, and staff are of course free to raise their concerns with the official visitors.

The Public Advocate is also a regular visitor at Bimberi and is an avenue for people to raise concerns, as is the Human Rights Commission. If people have concerns about potential criminal activity at Bimberi, they can and should raise those with ACT Policing also. And there are a range of staff consultative mechanisms as well. Young people are welcome at any time to raise concerns with the management of the Community Services Directorate, the senior management at Bimberi or, going above that, the CSD executive.

I also note, as I did yesterday, that there are a number of organisations that visit Bimberi regularly. There are people in there from community sector providers and from ACT Health and, of course, the teachers and educators at the Murrumbidgee Education and Training Centre. All of those people would be appropriate avenues for young people to raise concerns through, and they would have the opportunity to raise those with the directorate.

So there are multiple avenues; multiple external people entering Bimberi all the time. That is why it concerns me when allegations are repeated that no other evidence has been brought forward to support.

**MRS KIKKERT:** Minister, why has it taken so long for you to respond to issues at Bimberi, despite complaints from staff, the CPSU, more than 20 questions in question time and media reports?

**MS STEPHEN-SMITH:** I fail to see how it has taken “so long” to respond to issues. I have made two statements in this place updating members on the implementation of the blueprint for youth justice and its success in reducing the number of young people involved in the youth justice system. I have been transparent about staff training activities that have taken place. I have answered every question that I have been asked in this place. I, my office and the directorate have responded to numerous media inquiries in relation to Bimberi.

All incidents that have occurred have been appropriately recorded, are being reviewed and are being responded to. As I said in earlier statements, there are also mechanisms for staff to raise their concerns, including staff consultative committees of which the union is a participant, and we welcome the union’s feedback and input in terms of what it is hearing from its members as well.

### **Women—health services**

**MS ORR:** My question is to the Minister for Health and Wellbeing. Minister, how does the government ensure that the specific healthcare needs of women are being met?

**MS FITZHARRIS:** I thank Ms Orr for the question. The ACT government has worked hard over many years to build a comprehensive program of health services and facilities that address the health needs of women and children. One of those, of

which this government is particularly proud, is the Centenary Hospital for Women and Children which brings together comprehensive and diverse services, including maternity services, the birth centre, neonatal intensive care, gynaecology and foetal medicine, paediatrics and specialised outpatient services.

As part of this work to make sure we have a range of healthcare options available to suit the diverse needs of patients across Canberra, we are also currently delivering a home birth trial and have recently appointed two endorsed midwives who care for their patients privately in the prenatal period and admit them for delivery at the Canberra Hospital.

We have also designed an early intervention program for early detection of pregnancy-related depression during the antenatal and postnatal periods and made available counselling services for women who may need them. With responses to situations of violence often creating significant financial and social disruption to women and children, the ACT government's women's health service offers free nursing, medical, nutrition and counselling services, particularly to vulnerable women in the ACT and region.

To support families where there is alcohol and drug abuse and/or domestic violence, we recently commenced a pilot project to bring together ways to support women and children in these challenging situations. These essential services are characteristic of Labor governments and our efforts to make sure we respond proactively to all the health needs of our community.

**MS ORR:** Minister, given that Women's Health Week is coming up from 4 to 8 September, how is women's health supported in the ACT?

**MS FITZHARRIS:** Women's Health Week, indeed, is coming up in just a few weeks and it a great opportunity to raise awareness of women's health issues in the community. We know from statistics that those social determinants of health mean that women carry a significant proportion of the health burden. The ACT government has a range of ongoing initiatives in place to try to address these issues in the short, medium and long term, some of which I outlined in my previous answer.

One example I would like to draw members' attention to is the cervical cancer screening program that has been developed. ACT Health also offer the HPV vaccine to reduce the incidence of cervical cancer as well as breast screening for early detection amongst Canberra women. We all know the benefits of preventative health care, and these are just a couple of examples of how we are ensuring that screening and immunisation contribute to women's positive health outcomes.

The ACT government also provides funding to the Women's Centre for Health Matters for important work to improve women's health and wellbeing through the provision of information, education and advocacy, health promotion, social research, community development and capacity building. We also know that some of the major contributors to poor health for women are physical inactivity, obesity, high blood

pressure, high cholesterol and smoking. We need to continue to improve women's understanding of health issues, and heart disease is just one example of this. I also note the opposition's failure today to accept that they need to have any policy on women's sexual and reproductive health.

**MR PETTERSSON:** Can the minister update the Assembly on progress on budget initiatives that will support women's health care in the ACT?

**MS FITZHARRIS:** I thank Mr Pettersson for his supplementary. I am very pleased that through this budget the ACT government has invested \$70 million to expand the Centenary Hospital for Women and Children, to become an even greater centre of excellence in women's, youth and children's health care. This expansion will respond to the significant growth in our community and in demand experienced recently, as well as future demand over the next 10 years for women's and children's health services.

The expansion will be both to the physical asset as well as through increased service delivery capacities. We will provide additional maternity beds and, importantly, additional staff to care for women during their pregnancy, birth and, importantly, into the post-natal period. Over the next four years detailed planning and design of the expansion will be undertaken by ACT Health, as well as commencing construction to deliver these new services in the Centenary hospital.

Since becoming the Minister for Health and Wellbeing, I have been approached by many young women and their families about the significant burden of having to access adolescent gynaecology services outside Canberra. So we will be expanding services at the Centenary hospital to provide dedicated adolescent gynaecology services. I have also had many discussions in the community about depression and anxiety in young women and I know that Minister Rattenbury and I together will be very keen to see the expanded adolescent mental health services at the Centenary Hospital for Women and Children, including a dedicated inpatient ward.

### **Canberra Hospital—risk assessment report**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. Minister, on ABC Radio this morning you said that you saw the AECOM report "a couple of months ago". In the Chief Minister's claim of executive privilege over this document and other documents he indicated that cabinet had made decisions informed in part by the AECOM report in April 2016. He claimed that these documents were prepared for cabinet. You were a member of cabinet at that time. Minister, when exactly did you see the AECOM report for the first time?

**MS FITZHARRIS:** I thank Mrs Dunne for the question and the opportunity to clarify and comment on remarks she made in the Assembly prior to the lunch break. It is certainly my recollection of the interview this morning that I was asked as minister, "When did you first see the AECOM report?" I responded on ABC Radio this morning that I saw it just a couple of months ago.

It is the case that I was a member of cabinet but not the responsible minister when the cabinet made the very important decision to act on that report well over 12 months ago. I want to be really clear that the government did the right thing and acted on the findings of this report over 12 months ago.

**MRS DUNNE:** Minister, when you first saw the AECOM report, what was the highest priority for government to address?

**MS FITZHARRIS:** I thank Mrs Dunne for the follow-up. As I also indicated in my remarks earlier today regarding your motion, there were four high priorities in the AECOM report, and those four highest priority items were funded in last year's budget initiative. One has been completed; one has had proactive maintenance and been downgraded in its risk rating; another is expected to be completed in the next couple of months; and the final one, the electrical switchboard, has been the subject of much discussion and was the subject of an extensive ministerial statement I gave in this place in May this year.

**MR WALL:** Minister, what did you do as a member of cabinet to advocate for the priorities highlighted in the AECOM report when it first came before cabinet?

**MS FITZHARRIS:** I thank Mr Wall for the follow-up question. I did what all members of cabinet did: I supported the budget initiative—which was in last year's budget—which funded the priority actions from that report. Again, I would like to be very clear that this report informed last year's budget initiative to upgrade and maintain ACT Health infrastructure.

I did what every member of cabinet did, and that was to well and truly support the highest priority items. In fact I believe—and I will correct the record if I am not correct—that there were 149 items identified in the AECOM report that last year's budget initiative addresses. Every member of the cabinet was very clear that we needed to respond to the highest priority items identified in the AECOM report. That is exactly why the government took the decision in last year's budget to fund the upgrades to health infrastructure. If the opposition have only recently discovered that the government made a nearly \$100 million commitment to upgrading health infrastructure, then that is something for them to reflect on.

### **Housing—homelessness**

**MS LE COUTEUR:** My question is to the minister for housing and relates to women, children and men experiencing homelessness. Minister, yet again in the media today we heard about people sleeping in cars. This was based on the information from the organisers of Safe Shelter for homeless men. What advice does government and its funded provider, OneLink, give to homeless people, particularly women with or without children who are sleeping in cars?

**MS BERRY:** I thank the member for the question. I had sought advice again, and I am advised regularly about people who might be sleeping rough in the ACT and the kinds of support available to them. I checked again late last night and early this morning following reports from organisations like Safe Shelter that people were being turned away from accommodation in the ACT. I was advised after I contacted OneLink that there are and have been two vacancies at Samaritan House for men who are experiencing homelessness, so they have not been turning away anyone as was reported by the media today. OneLink and Housing ACT have crisis accommodation available, in the case of women and children who might have experienced domestic and family violence, for temporary accommodation until medium to longer term accommodation can be sought for them.

Sometimes when people might be arriving into the ACT at different times of the evening or early in the morning it might not be possible at that moment in time for Housing ACT to provide that accommodation, but the Domestic Violence Crisis Service can also provide crisis accommodation immediately. Refuges in the ACT also can provide short-term crisis accommodation at the time when the crisis occurs.

**MS LE COUTEUR:** Minister, when will you release data about service demand, in particular for the number of people that OneLink are aware of who are sleeping rough or sleeping in cars because they cannot access accommodation services?

**MS BERRY:** Data on housing in the ACT is available from Housing ACT on vacancies and applications that are made for housing in the ACT, and it is publicly available.

**Ms Le Couteur:** On a point of order, I did not ask about Housing ACT. I asked about the people that OneLink knows about. She did not answer the question.

**MADAM SPEAKER:** Did you have anymore to add or have you concluded your answer?

**MS BERRY:** I think there are around 1,700 people in the ACT who have applied for housing. Around 800 of those people are on standard applications. Around 800 are on high needs. Then there are around another 30 who are on priority.

**Ms Le Couteur:** On a point of order, I asked specifically about OneLink.

**MADAM SPEAKER:** Ms Berry, can you provide any response around OneLink's data?

**MS BERRY:** OneLink is working very closely with each of those organisations, more than any other housing provider in the country ever has, and knows individually the needs of each of those individual families and seeks to make sure that they are supported in different ways. Providing information on individuals would not be appropriate.

**MR PARTON:** Can the minister please detail the support that the ACT government provides to Safe Shelter?

**MS BERRY:** I thank Mr Parton for the question. Safe Shelter have never requested any support from the ACT government for the service that they provide. However, my office, Housing ACT, St Vincent de Paul night patrol and OneLink are also able to provide support to clients that Safe Shelter might come across. We have encouraged Safe Shelter to put those people who are using Safe Shelter for crisis accommodation in touch with those services so that their needs can be best supported.

### **Canberra Hospital—procurement**

**MR MILLIGAN:** My question is to the Minister for Health. It relates to the procurement process for selecting the contractor for replacement of the main electrical switchboard in building 2 at the Canberra Hospital. Minister, in your answer to question on notice No 295, you said that expressions of interest for replacement of the switchboard were called on 24 March 2016 and closed on 28 April 2016 and attracted six respondents. In your answer, you also said that on 9 June 2016 a short list was approved. Then you said that a decision as to the successful tenderer was made on 15 December 2016 and communicated to that company the next day. Minister, how many expression of interest respondents were on the short list approved in June 2016?

**MS FITZHARRIS:** I thank Mr Milligan for the question. I do not have that with me. I will take the question on notice.

**MR MILLIGAN:** Minister, why did you allow one month for potential contractors to submit expressions of interest but gave yourself two months to develop a short list and then a further six months to decide on the successful tenderer?

**MS FITZHARRIS:** I would note that I was not the responsible minister at the time. I certainly understand that this, as in all—

**Mrs Dunne:** Yes, you were.

**MS FITZHARRIS:** In March 2016 I was not the Minister for Health.

**Mrs Dunne:** On 15 December 2016, you were.

**MADAM SPEAKER:** Mrs Dunne.

**MS FITZHARRIS:** Madam Speaker, I am attempting to answer the question. It is certainly my understanding that procurement processes were followed, and throughout that period. There are a number of different stages in each procurement process, and it is certainly a process that directorates undertake themselves. I will see if I can provide more detail to the Assembly on the specifics of Mr Milligan's question.

**MRS DUNNE:** Minister, what discussions took place with expressions of interest respondents during the process of compiling the shortlist and then deciding on the successful tenderer, and were those discussions disclosed to other respondents to the respective processes?

**MS FITZHARRIS:** I will take the question on notice.

### **ACT Health—policy framework**

**MR WALL:** My question is to the Minister for Health. Minister, I refer to your statement on policy reviews in the Assembly yesterday. You said, and I quote, “I have asked, in conjunction with Minister Rattenbury, as the Minister for Mental Health, for ACT Health to provide to us a fuller explanation of the range of policies that ACT Health is responsible for.” Minister, why do you not already understand the range of policies that ACT Health is responsible for?

**MS FITZHARRIS:** I believe that the context of the question was about the significant number of policies that ACT Health was responsible for in terms of strategic policy. Of course, as the minister responsible I am informed of those. There are many other clinical guidelines within ACT Health that go to support ACT Health and their accreditation process at the Canberra Hospital.

ACT Health will be providing me with a full list of those. It would not be normal practice for a minister to be aware of every single guideline and policy within each directorate, particularly one as complex and subject to specialist clinical guidelines, which I note should not be the purview of ministers. They should be the purview of clinicians.

**MR WALL:** Minister, did your incoming minister’s brief explain a range of policies that ACT Health is responsible for? If not, why not?

**MS FITZHARRIS:** Certainly my incoming government brief gave me a range of information about the activities and priorities of ACT Health. As I indicated in my response to the previous question, health is a large and complex portfolio. I think that in my response yesterday I spoke about both specific policy and specific guidelines. There are many within Health. They would not always be in the purview of ministers to be fully aware of.

**MRS DUNNE:** Minister, when will you and Minister Rattenbury receive this explanation, and will you table it in the Assembly on the first day after it is received?

**MS FITZHARRIS:** I have asked Health to provide me that advice as soon as possible. I have not determined a final date with them, but I expect to continue this discussion with them over the coming weeks.

### **Minister for Health and Wellbeing—drug treatment briefing**

**MS LEE:** My question is to the Minister for Health and Wellbeing. I refer to an article in the *Canberra Times* of 26 July this year in relation to a report on opioid treatment options that is five years overdue. You stated:

ACT Health has not briefed me directly on this matter.

Minister, before last week had ACT Health briefed anyone in your office about the five-year delay to the report, and what explanation did your directorate give for its oversight on this matter?

**MS FITZHARRIS:** I thank Ms Lee for the question. Not to my knowledge, in my office. As I have indicated previously this week, one of the reasons for the delay in reviewing the guidelines was the development of national guidelines which will inform, and have informed since those national guidelines were put in place, ongoing clinical treatment. I reiterate that the advice to me from Health is that the national guidelines and the existing ACT guidelines provide sufficient guidance to clinicians in their daily work.

I have expressed my disappointment with Health that these reviews were not undertaken in a timely way. They have assured me this week that they will be finalised within the next six weeks.

**MS LEE:** Minister, were you briefed, in your capacity as the then Assistant Minister for Health, about the delays to the report last year?

**MS FITZHARRIS:** No, I was not.

**MRS DUNNE:** Minister, did you seek any briefing on methadone treatment after the overdose of the prisoner at the AMC last year?

**MS FITZHARRIS:** I did receive a briefing after that incident last year.

### **Government—safer families policy**

**MR PETTERSSON:** My question is to the Minister for the Prevention of Domestic and Family Violence. An important commitment of the safer families program of work was to co-design and pilot a family safety hub. Minister, can you provide an update on how this work is progressing?

**MS BERRY:** I thank Mr Pettersson for the question. Tackling domestic and family violence has been a key priority for the ACT government. We have been doing things differently than we have ever done before, and we are expecting the whole community to join with us and help us with this work. The co-design of the safety hub is progressing with considerable work already now being undertaken. The co-design

has begun with a whole lot of engagement with services and the users of those services to understand the true needs of families who have been experiencing violence. This has included many discussions and workshops and a series of insights and walkthroughs to feed back what we have heard or identified as key issues and feedback. These insights will directly inform the design of the hub.

A number of groups who face particular barriers have been prioritised. They include: Aboriginal and Torres Strait Islander women and families; culturally and linguistically diverse women and families; lesbian, gay, bisexual, transgender, intersex and queer communities; women with a disability; and young women with lived experience of violence in their families.

My office will soon be inviting all members in this place to a further series of walkthroughs in the coming weeks. I hope that everybody will be able to participate in these sessions as it gives a very good illustration of how complex it is to solve this issue in our community and the work the co-ordinator-general, Jo Wood, is doing in the development and co-design of the safety hub.

**MR PETTERSSON:** Minister, how are you engaging with stakeholders and interested parties, and who are they?

**MS BERRY:** I thank Mr Pettersson for the supplementary. A core design team comprising government and non-government members, including specialist family violence services and people with lived experience, are driving the design and the development of the hub. The team brings a depth of expertise and experience in different relevant areas. In addition, a critical friends network, including representatives of services who work with priority cohorts, is providing input towards the design of the hub.

Over 50 front-line workers, including workers from across family violence, legal, health and children's and other community services, provide an input through interviews and focus groups during the consultation phase of the hub's co-design. Twenty people with lived experience of domestic and family violence have also been interviewed during the consultation phase, including women who have experienced violence and men who have used violence.

These important consultations are directly contributing to the design of the hub and will result in real change for our community in how we respond to this issue into the future.

**MS CHEYNE:** Minister, how will this new hub benefit our community?

**MS BERRY:** I thank Ms Cheyne for the supplementary question. The aim of the family safety hub is to link existing support services in the ACT to ensure that Canberrans receive seamless, integrated and holistic support when it matters most.

The hub has been rigorously researched, including through the use of services' and service users' insights. The detailed insights being gathered will directly inform its design. Questions have been asked like "How might we work with the whole family, not just the victim and the perpetrator?" and "How might we better coordinate ACT government services to provide a value add to non-government services?" There are also questions like "How might we break through the barriers for people to access the service they need?" and "How might the design of the hub have a safety focus and not a crisis focus?" The insights include identifying a need for early intervention responses, understanding that some people experiencing domestic and family violence are seeking options to end violence that do not involve family separation, and understanding that some people fear a response when they engage with the system.

The final hub pilot design will be the result of a highly consultative co-designed process to which all key services and a range of service users have provided input. The hub pilot will be evaluated to ensure that desired outcomes are being achieved. The pilot will be refined, pending the results of the evaluation process.

### **ACT Health—opioid treatment review**

**MR DOSZPOT:** My question is to the Minister for Corrections. Minister, I refer to an article in the *Canberra Times* of 25 July 2017 in relation to a review of the guidelines governing opioid maintenance treatment in the ACT. This review was scheduled to be completed in 2012, but five years later it has still not been completed. On ABC radio on 27 July 2017, you stated that ACT Health had dropped the ball in its handling of this review. Minister, who is ultimately responsible for this review being five years overdue?

**MR RATTENBURY:** Yes, those are comments that I made. It is disappointing that this work has not been done. It is a fact—I have also said this publicly—that ultimately the Minister for Health has responsibility for these guidelines but I have also been very clear, given my interest in corrections, that we will jointly work together on making sure that this gets dealt with. It needs to be done.

What I have also been very clear to say—in the interview on ABC the other day I made this point very clearly—is that Justice Health has not stood still during this five year period. As the Minister for Health has very clearly explained today, these are overarching guidelines. Beneath that, operational practices are updated continually. I can inform the Assembly, as I have informed the public through my media interviews, that a range of improvements have been made by staff at the operational level to the methadone program at the Alexander Maconochie Centre.

These have been the results of quality improvement activity throughout 2016-17. I am happy to detail to members what those particular improvements are but they go to issues of staff training, they go to issues of the timing of delivery of methadone and the like. So I think it is very important to be clear that while the guidelines have continued to be the 2012 guidelines, operational practices have been updated in that time frame.

**MR DOSZPOT:** Minister, would adopting the national guidelines governing opioid maintenance treatment be the best course of action?

**MR RATTENBURY:** I think Mr Doszpot has asked me for an opinion on a matter on which I do not claim to be an expert.

**MRS DUNNE:** Minister, did either of the deaths in custody that have occurred at the AMC trigger the realisation that this review was five years overdue?

**MR RATTENBURY:** As Mrs Dunne knows, both of those matters are before the coroner at the moment. In terms of drawing any conclusions, that is not something I am in a position to do. I believe that this matter came about as a result of inquiries by a journalist. Whether that journalist's interest was triggered by those issues is not for me to answer; Mrs Dunne would need to ask the journalist that question.

### **Crime—motorcycle gangs**

**MADAM SPEAKER:** A question from Mr Hanson.

**MR HANSON:** Thank you, Madam Speaker. May I say that it is a delight to have you back after the reign of terror of Mrs Dunne yesterday.

My question is to the Attorney-General and relates to organised criminal gang activity in the ACT. Attorney-General, the *Canberra Times* editorial of 19 July 2017 stated:

As matters stand Canberra is now viewed by some as a safe haven for these gun-wielding thugs who have fled across our border to avoid being persecuted elsewhere.

The Human Rights Commissioner stated on 29 July:

We are no longer a one-gang town and there has been inter-gang violence recently, so in principle to prevent such behaviour new laws may be necessary.

That was in relation to a discussion on anti-consorting laws following the release of the Canberra Liberals' exposure draft. Attorney-General, do you accept the Human Rights Commissioner's position that we are no longer a one-gang town and new laws may be necessary?

**MR RAMSAY:** I thank the shadow attorney-general for his question. I made comments yesterday, in answer to a similar question, about a number of things that the government is already committed to. I draw the attention of the shadow attorney-general to the statement by the Chief Minister yesterday which outlined the legislation program in spring, which includes new laws in relation to outlaw motorcycle gangs.

**Mr Hanson:** Madam Speaker, a point of order on relevance.

**MADAM SPEAKER:** Please resume your seat, Attorney.

**Mr Hanson:** The question and the statements relate to the need for new laws, specifically relating to anti-consorting laws, not the list of other laws. So that was a nice try. But are new laws, as in the anti-consorting laws, necessary, which is what the Human Rights Commissioner was referring to?

**MADAM SPEAKER:** Thank you, Mr Hanson. You have some time left to come to the point of the question, Attorney.

**MR RAMSAY:** I note that the focus of the comments was in relation to outlaw motorcycle gangs and how it is that we can best address those. Regarding the way that we can best address those, the government has been clear, and I said it yesterday, that we will make decisions on the basis of evidence. The evidence is not strong in relation to anti-consorting laws. I again draw the attention of the Assembly to the fact that, in relation to the laws that have been used as the model by the shadow attorney-general for the bill that he is considering at the moment, there has been a report that has looked at the effectiveness and efficiency of those, and the report has recommended that those laws be repealed. This government will work in the area of evidence-based decision-making. We will look at new laws. A range of new laws is being considered. Anti-consorting laws are not one of those.

**MR HANSON:** Attorney-General, how many more shootings or other acts of violence will need to occur across Canberra suburbs before you will follow the lead of New South Wales and other jurisdictions and introduce anti-consorting laws?

**MR RAMSAY:** The government is working with the Chief Police Officer at the moment for the introduction of effective laws rather than laws that have been found in reports to be not effective. So we will be looking at areas of anti-fortifications laws, we will be looking at crime scene powers, as the Chief Minister highlighted in his speech yesterday. We will focus on ensuring that Canberra is safe. We will do it in a way that is effective.

**MR STEEL:** Minister, why do anti-consorting laws not work?

**MR RAMSAY:** I thank Mr Steel for his supplementary question. I again draw the Assembly's attention to the report that I mentioned yesterday. It is a very helpful report for people who have been thinking in the area of anti-consorting laws because the New South Wales Ombudsman has worked through a range of areas. It has said that the laws are ineffective, the laws do not work, the laws do not create a structure that policing in this state and New South Wales or in other states are able to use effectively, and because of that the recommendation is that they be repealed.

In addition, I note that the Ombudsman's report outlines and provides evidence to support, again, that anti-consorting laws are likely to criminalise behaviour by other groups of people that would not otherwise be criminal. The focus on those and those human rights laws is important for us. We will be progressive. We will take the way of ensuring that we are based on evidence and effectiveness.

### **Bimberi Youth Justice Centre—ministerial response**

**MRS KIKKERT:** My question is to the Minister for Disability, Children and Youth. Minister, when serious allegations were raised in the *Canberra Times* on 4 July 2017 about alleged drug use and a lack of staff training at Bimberi, why did you avoid the media for much of the day?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for her question but, as I am sure she knows, I did actually speak to the media that day. But also the directorate made available the executive director who has operational responsibility for these matters. He was in a position to answer journalists' questions in detail, as he did, including, for example, talking about the program of periodic drug screening at Bimberi, which is one of the reasons why he could confidently assert that the drug-screening program has not identified issues around drug use in Bimberi. So we made available expertise, and I also fronted the media.

**Ms Lawder:** Point of order.

**MADAM SPEAKER:** Point of order, Ms Lawder.

**Ms Lawder:** My point of order goes to relevance. The question related to why the minister avoided the media for much of the day. It was not referring to the executive director.

**MADAM SPEAKER:** At the very beginning of that answer I heard the minister say she responded to the media. So there is no point of order.

**MRS KIKKERT:** Minister, given that under the Ministerial Code of Conduct a minister should fulfil their obligation to the highest standard, why did you pass on your responsibility to the executive director of children, youth and families to be in the position of having to respond to the media to questions about your ministerial responsibilities?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for her supplementary question. As she is well aware, I was elected to this place in October last year. The executive director who has responsibility for these areas has been in place for a significantly longer period than I have and was in a position to speak with authority about the operation of Bimberi over a longer period of time.

I also was happy to make myself available to the media when I was available. I, my office and the directorate have repeatedly answered questions from the media. I have been on radio a number of times in relation to Bimberi, I have answered questions in this place and I have made two statements in this Assembly. I absolutely reject any aspersion that I may be neglecting my role in relation to this matter.

**MS LEE:** Minister, if as you have stated in your previous answers the executive director was in a better position to answer these questions from the media than you, what made you change your mind and eventually face up to the media in the afternoon?

**MS STEPHEN-SMITH:** I thank Ms Lee for her supplementary question. The executive director turned up and answered a wide range of detailed questions from journalists which required a level of background detail. I also talked to the media. I was obviously briefed in relation to those matters. I speak with the knowledge that I have from the briefings and the information that is available to me. In making both officials and ministers available to be able to provide answers is actually a sign of the level of transparency that we are committed to in this portfolio.

### **Bimberi Youth Justice Centre—assault statistics**

**MR PARTON:** Madam Speaker, my question is to the Minister for Disability, Children and Youth. Minister, yesterday in question time you took on notice the question of how many assaults by detainees on other detainees had occurred at Bimberi in 2016-17, saying that you have asked your directorate to prepare a standard report on KPIs for Bimberi. Following yesterday's question time, did you ask your directorate for the number of assaults by detainees on other detainees at Bimberi in 2016-17 and, if so, what is that number?

**MS STEPHEN-SMITH:** I thank Mr Parton for his question, but actually I did not take that question on notice. In response to that question, I repeated what I had said in my ministerial statement that I have asked the directorate to prepare a report of key indicators for Bimberi that are more extensive than just one or two individual numbers that can be tabled on a regular basis as part of our commitment to the transparent operation of our youth justice system. As I said then and I will say now, when those figures are available for 2016-17 that report will be tabled.

**MR PARTON:** Minister, why have you not asked for assault data before now; and why is it seemingly so difficult to compile?

**MS STEPHEN-SMITH:** I reject the premise of the question.

**MRS KIKKERT:** Minister, why have so many current and former staff risked their livelihoods to blow the whistle on problems at Bimberi?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for her supplementary question. I am not in a position to speak to the many reasons that individuals may have for speaking to journalists about any matter.

### **Bimberi Youth Justice Centre—assaults**

**MRS JONES:** My question is to the Minister for Disability, Children and Youth. Minister, I refer to your report on youth justice tabled yesterday in which you noted that during the 2015-16 period there were eight incidents of detainees assaulting other young people in Bimberi. How many of these assaults were referred to ACT Policing?

**MS STEPHEN-SMITH:** I thank Mrs Jones for her question. I will seek confirmation, but my understanding is that in each of these cases referral to the AFP is a fairly usual part of the process in relation to these incidents. But I will take on notice whether every one of those incidents was individually referred.

**MRS JONES:** Minister, how many of these assaults on young people were committed by detainees 18 years and older?

**MS STEPHEN-SMITH:** I will take the question on notice.

**MRS KIKKERT:** In the past two years how many detainees have been transferred to adult corrections after they assaulted another young person at Bimberi or because they were determined to pose that threat?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for her supplementary question. I gave quite a detailed answer to the Leader of the Opposition some time ago about the circumstances under which young people are transferred to AMC. I will take the detail of that question on notice but there are a range of matters that need to be taken into account in considering whether or not a young person should be transferred to AMC.

### **Budget—community legal centres**

**MR STEEL:** My question is to the Attorney-General. Can the minister give some detail about which organisations will receive funding through the community legal centres package in the 2017-18 budget?

**MR RAMSAY:** I thank Mr Steel for his question. This budget shows, indeed, our government's commitment to a justice system that is accessible, that is timely and that is transparent. Early this year I met with a number of our CLCs and I heard how the uncertainty of their funding was impacting on the services they provide. For example, Canberra Community Law warned that with the planned commonwealth cuts up to 200 people could go without important legal help. Thankfully the commonwealth reversed its policy, but in reversing its cuts the commonwealth provided funds only for specific programs and it did not provide funds for core funding for existing services. That meant that for core services funding remained uncertain.

That uncertainty has real impacts, which I heard about in the meeting with the CLCs. The Women's Legal Centre explained how the uncertainty of ongoing funding makes it difficult to hire and retain lawyers as short-term funding means short-term employment. Street Law pointed out that with a history of year-to-year funding it has only ever been able to plan services for people on the basis of having help to the end of the year.

The \$2.4 million in funding that was provided in this budget will be supporting our CLCs to give them certainty. This budget will provide four years of funding for Canberra Community Law, four years of funding for Street Law and four years of funding for the Women's Legal Centre. We will be providing two years of funding to the Environmental Defenders Office. This budget directly responds to the concerns that our CLCs have had about being able to serve this community well.

**MR STEEL:** What sorts of new programs for vulnerable people will be available to the community with this funding?

**MR RAMSAY:** I thank Mr Steel for his supplementary question. The CLCs will use the certainty that is provided in this budget to support some of the most vulnerable people in our community. For the first time in its seven years of operation, Street Law will have recurrent funding. Street Law is a service that helps people who are homeless or at risk of homelessness to address their legal problems and to get their lives back on track. Prior to this budget, Street Law had only ever been funded one year at a time. But this budget means that Street Law can engage in long-term service planning and give certainty to their clients over the next four years.

Services to help Aboriginal and Torres Strait Islander people in Canberra will be strengthened through this budget. The Women's Legal Centre will use this funding to grow its Aboriginal and Torres Strait Islander Women's Access to Justice Program. This service focuses on the legal issues, including family and domestic violence, faced by many women in our community.

Canberra Community Law will have recurrent funding to progress its Aboriginal Human Rights Program beyond the seed phase. This is a dedicated program for Aboriginal and Torres Strait Islander people. It is a direct response to calls for more culturally appropriate services.

The core funding for the CLCs in this budget means more programs for women, for families and for Aboriginal and Torres Strait Islander members of the community. It means that the community legal centres can hire ongoing staff and even build up more expertise to keep serving our community over time.

**MS ORR:** Minister, are you aware of the reactions and response by CLCs regarding the funding?

**MR RAMSAY:** I thank Ms Orr for the supplementary question. Indeed, as we may expect, the feedback from our community legal centres has been overwhelmingly positive. Following the announcement in this year's budget, I was invited to tour the local CLC hub to get a first-hand look at what CLCs do, and to hear about their plans for the funding.

The hub is a single location that houses Canberra Community Law, the Women's Legal Centre, Street Law, and the Tenants Union. The hub makes it easier for people to access the range of services available. It also brings together a community of people who share an enthusiasm for service. It was a privilege to visit the hub and to hear the level of excitement about what the new funding would allow.

This budget empowers the dedicated staff of our CLCs to continue to help people to have a voice in the legal system. CLCs help people to understand the legal process and to ensure that their rights and interests are protected. Our legal system is fairer and better serves the people who most need its protection as a result of the hard work of the CLCs.

Support for legal assistance is one of the ways that we can ensure that those who are marginalised are fully included in our society. I commend the CLCs for their contribution to building a society that is safer, stronger and more connected. This year's budget will support a group of dedicated, hardworking professionals to build on their services for women, for Aboriginals and Torres Strait Islanders and for people across Canberra who are facing challenges in life.

### **Bimberi Youth Justice Centre—safety**

**MS LAWDER:** My question is to the Minister for Disability, Children and Youth. Minister, when will you stop making unsubstantiated allegations about the media, which is actually doing your job for you in exposing dangerous conditions in Bimberi for staff and young people?

**MS STEPHEN-SMITH:** I thank Ms Lawder for the question but I am not aware that I have made any allegations about the media.

**MS LAWDER:** Minister, when will you stop attacking staff and detainees for speaking up about the dangerous conditions in Bimberi?

**MS STEPHEN-SMITH:** I thank Ms Lawder for the question. I would note that I have repeatedly encouraged anyone who has any concerns or any evidence of wrongdoing within Bimberi to report that to the directorate, to ACT Policing, to the Human Rights Commissioner, to the official visitors, to any of the official bodies who actually have the capacity to investigate those allegations. We do that because we take all of these allegations incredibly seriously.

The wellbeing of children and young people and staff at Bimberi are our number one priority. But I will stand up for the staff at Bimberi who work every day in a difficult and challenging environment to support the rehabilitation of some of the most vulnerable young people in our community. Those staff deserve the support of the Canberra community. They do not deserve to have—

**Mr Coe:** You don't think we do?

**MS STEPHEN-SMITH:** Your behaviour does not indicate that.

**MRS KIKKERT:** Minister, when will you stop hiding behind endless bureaucratic responses that fail to address the dangerous conditions in Bimberi?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for her ongoing interest in Bimberi. I know that she has taken the time to go out and visit Bimberi Youth Justice Centre. I know that she took the time to play basketball with some young people while she was there. I understand that she has a genuine interest in the wellbeing of the young people at Bimberi.

But I reject the premise of her question. I have sought on every occasion to be transparent. That is why I have asked the directorate to prepare a new report with indicators that will be tabled on a regular basis. I want to be as transparent as I can be about the operation of our youth justice system.

There will be times when we cannot talk about the details of incidents, either for the privacy of young people or to protect the staff in terms of procedural fairness. But I am absolutely committed to being as transparent as I can be about the operation of our youth justice system, and I will maintain that commitment.

### **Children and young people—government support**

**MS CHEYNE:** My question is also to the Minister for Disability, Children and Youth. How will the government's record investment in child and youth protection services and A step up for our kids deliver better services to vulnerable children and young people in Canberra?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for her question. This government is proud to continue investing in services that protect our most vulnerable children and young people and provide them with a safe home. In the 2017-18 budget the government committed an additional \$44 million over four years to support our child protection system. This major funding initiative reflects the government's priority to provide better support when it matters to our children and young people and to their families.

For child and youth protection services this means the establishment of two new case management teams. More case managers working on the front line will allow child and youth protection services to provide a timely response to struggling families and the ability to harness the service system to support families to parent safely.

Some \$34 million over four years will fund the government's ongoing commitment to delivering on our reform strategy, A step up for our kids. This strategy aims to ensure that families are supported where possible to stay together and parent safely in their own home or to restore children to home when it is safe to do so. When it is not safe to restore children to their families or for them to stay with their parents, the strategy aims to achieve permanence in a timely manner. We are continuing to invest in our community partners who work with us to support these children and their families and to provide more therapeutic placement options for children who cannot live at home.

Our community partners are helping us to reform the out of home care system, and this funding is evidence of the Barr Labor government's commitment to a long-term program of change that will deliver better outcomes for Canberra's children and families.

**MS CHEYNE:** Minister, what else is the government doing to enhance quality assurance and support improved decision-making for vulnerable children and young people in Canberra?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for her supplementary question. Madam Speaker, the 2016-17 budget, as you would be aware, provided \$2.47 million over four years for enhanced child protection case management and coordination. This involved building stronger analytical capacity inside child and youth protection services, as well as stronger independent oversight external to CYPS. \$1.9 million established a specialist case analysis team comprising a team leader and four child protection experts. Case analysis explores the risks and vulnerabilities related to a child's safety and whether there are sufficient protective factors to mitigate these vulnerabilities.

The practice themes elicited from each case analysis are collated and used to inform the training priorities for staff and the development of practice guidance, policies and procedures. A further \$562,000 was invested in developing a quality assurance mechanism with members who are independent of CYPS.

The Child and Youth Protection Quality Assurance and Improvement Committee has been established by the director-general to strengthen the quality of child protection practice in the ACT and to foster ongoing improvements in the child protection system. Its membership includes two child protection experts from other jurisdictions who are able to offer a fresh perspective on ACT processes.

I also recently announced an independent review of Aboriginal and Torres Strait Islander children and young people in the child protection and out-of-home care systems, as we seek to address one of the most serious challenges for child protection, not just in the ACT but around Australia.

This review will examine case planning for Aboriginal and Torres Strait Islander children and young people known to ACT child and youth protection services. It will be conducted by a team led by skilled Aboriginal and Torres Strait Islander people with experience in child protection and will work alongside the Child and Youth Protection Quality Assurance and Improvement Committee.

**MR STEEL:** What can members of our community do to be part of the implementation of A step up for our kids and support vulnerable children and young people in need of safer environments?

**MS STEPHEN-SMITH:** I thank Mr Steel for his supplementary question. Foster carers and kinship carers are the backbone of our out of home care system. Carers open their hearts and their homes to the most vulnerable children and young people in our community. Since becoming minister I have heard many stories of how caring has transformed people's lives; not just the kids who receive love, support and a more stable life but also the carers.

Through a step up for our kids, the ACT government funds a consortium of out of home care providers—ACT Together—to provide trauma-informed, therapeutic care options to support children and young people in need of care. ACT Together have set

themselves an aspirational goal of recruiting 80 more foster carers. This will assist in providing the best possible match for children and young people when they come into care. But for that goal to be achieved, ACT Together and the ACT government would like all Canberrans to consider what role they can play in supporting vulnerable children and young people in need of care. ACT Together holds regular information sessions for anyone who is interested in becoming a foster carer.

There are various types of fostering, from short-term emergency care and respite care through to longer term options including the potential for adoption. Every carer can make a big difference to the life of a child or young person. Canberra is a supportive and caring community in which we can all play a part in looking after the next generation of Canberrans.

We are stepping up for our kids but we can always do more. That is why we have established the independent oversight, both by the committee I referred to earlier and the ministerial council monitoring the implementation of A step up for our kids. I encourage everyone to get involved in a positive way.

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

### **Answers to questions on notice Questions 245, 320, 329, 331, 333 and 338**

**MR COE:** I have some questions on notice that are overdue. Under standing order 118A, I seek an explanation.

**MADAM SPEAKER:** From which minister?

**MR COE:** The Minister for Transport and City Services. Those questions are Nos 245, 329, 331, 333 and 338.

**MS FITZHARRIS:** I was due to rise given yesterday's discussion. However, Mr Coe beat me to it. I would be grateful if Mr Coe could repeat those numbers. One of them does not appear on the notice paper.

**Mr Coe:** I believe they are Nos 245, 329, 331, 333 and 338.

**MS FITZHARRIS:** My apologies, Madam Speaker. A number of those were signed off on yesterday. There remain three of those outstanding after yesterday. I have asked the directorate and my office to make sure that they are here as soon as possible. As I outlined yesterday, I want to give a full response to the many numbers of questions we have received. I will provide them again as soon as possible. I do not have the specific numbers of those that were responded to, but I will provide a further update as soon as I can.

**MR COE:** I note that we received two overdue questions on notice yesterday, but as of 2.10 pm today those ones that I mentioned are outstanding. Further to those, Madam Speaker, there is one to the Treasurer, who again has slipped out—as he did

yesterday. Question No 320 is outstanding as well, Madam Speaker. I ask your guidance as to what options are open to members of the Assembly to seek explanations when the minister is not present.

**MADAM SPEAKER:** I will take some advice on the latter, but on the former outstanding questions, would you be satisfied if the minister were able to confirm the transit to your office of those that were signed off on and come back tomorrow with an explanation about when you should expect the others?

**Mr Coe:** That would be adequate, thank you.

**MADAM SPEAKER:** Thank you. As for advice about how you get an answer from someone who is not here, we can—

**Ms Fitzharris:** I am sure the Treasurer is aware of it and he will respond.

**MADAM SPEAKER:** Yes, tomorrow, if that would satisfy you, Mr Coe?

**MR COE:** That is alright. I note that I asked the same question yesterday and the Treasurer had slipped away. So the idea of tomorrow when tomorrow never comes may not give us too much hope.

**MADAM SPEAKER:** There appears to be no formal practice; so it is up to the chamber about how we request that information again, Mr Coe. Two days in a row may be sufficient and perhaps we can deal with the matter tomorrow. I was not here yesterday; so I was not aware of it, unless you have information in front of you that I just did not get from the Assistant Clerk?

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

That the Assembly requests the Minister for Economic Development provide an answer as to why question on notice No 320 is unanswered and report back to the Assembly by close of business today.

## **Leave of absence**

Motion (by **Ms Berry**) agreed to:

That leave of absence be granted to Ms Cody for today and tomorrow's sitting due to illness.

## **Privilege**

### **Statement by Speaker**

**MADAM SPEAKER:** On 27 June of this year, Mr Pettersson gave written notice of a possible breach of privilege, alleging that confidential proceedings of the Standing Committee on Public Accounts had been released to *The Canberra Times*. Upon receiving the letter I subsequently wrote to the committee on 28 June 2017, pursuant

to standing order 242, seeking their views as to whether the matter raised by Mr Pettersson had substantially interfered with their inquiry. I also ask the committee to seek to discover the source of the alleged release of confidential proceedings.

The committee replied to me on 28 July, having considered the matter at a meeting on 5 July 2017. The committee did not resolve that there had been an unauthorised disclosure. That being the case, the committee did not move to consider whether the disclosure had a tendency to substantially interfere with the work of the committee or actually cause substantial interference.

Under the provisions of standing order 276 I must determine as soon as practicable whether or not the matter merits precedence over other business. If, in my opinion, the matter does deserve precedence I must inform the Assembly of that decision and the member who raised the matter may move a motion without notice and forthwith to refer the matter to a select committee appointed by the Assembly for that purpose.

If, in my opinion, the matter does not merit precedence I must inform the member in writing and may also inform the Assembly of that decision. I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence. Having considered the matter, also the views of the committee and the advice received from the Clerk, I have concluded that the matter does merit precedence over other business.

## **Privileges—Select Committee Proposed establishment**

**MR PETTERSSON** (Yerrabi) (3.42), by leave: I move:

That:

- (1) pursuant to standing order 276, a Select Committee on Privileges 2017 be established to examine whether there was an unauthorised disclosure of the private deliberations of the Standing Committee on Public Accounts;
- (2) the Committee shall report back to the Assembly by the first sitting day in October 2017; and
- (3) the Committee shall be composed of:
  - (a) one member nominated by the Government;
  - (b) one member nominated by the Opposition; and
  - (c) one member nominated by the Crossbench;

to be notified to the Speaker within one hour of the passing of this motion.

The public accounts committee is currently undertaking an inquiry into the Auditor-General's report *Certain Land Development Agency acquisitions*. On 23 June

an article was published by the *Canberra Times* regarding the work of the public accounts committee. This article appears to outline the private deliberations of the public accounts committee. This article also appears to reference confidential proceedings of the committee. These disclosures, in my opinion, have the ability to substantially interfere with the work of the committee.

I believe that a serious breach of standing orders has occurred. I ask the Assembly to consider the establishment of a select committee on privileges to examine this further. I have not come to this lightly but I believe it is the only way to ensure the integrity of the public accounts committee. For the benefit of all members, I would ask that the Speaker table any advice from the Clerk on the matter.

**MADAM SPEAKER:** On the point of advice from the Clerk, I am happy to circulate the advice received from the Clerk. I table the following paper:

Possible matter of privilege—Matter raised by Mr Pettersson—Clerk's advice, dated 31 July 2017.

**MRS DUNNE** (Ginninderra) (3.43): I wish to speak to the motion to establish a privileges committee. I am the chair of the public accounts committee and I would like to speak on the subject and make it clear what the process was. But I am somewhat constrained. Some of what the process is has been revealed by letter but other parts of it I will not touch on. I will try to give members as much information as possible while being constrained by the standing orders.

It is the case that on 23 June—that was a Saturday I recollect—there was an article in the *Canberra Times* in relation to the public accounts committee inquiry into the Auditor-General's report about certain acquisitions of the Land Development Agency. I recollect that on the day prior to that I was approached by the committee's secretary who said that he had been approached by a journalist from the *Canberra Times* who wanted to ask some questions about this. The committee secretary rightly referred the journalist to me as I am the chair of the committee and the person authorised to speak publicly on committee matters.

I then, through the media adviser who advises the Liberal Party members, made it clear that I was prepared to receive a call from the journalist in question. In fact, I think she came and visited my office but I stand corrected on that. The journalist asked me some questions about the forthcoming inquiry. The inquiry had been announced and submissions were due to close—I do not recall whether it was that day or the following week. I think it was the following week. The journalist asked me about why the inquiry was being held, had the committee contacted particular people and what the process of contacting people was.

I gave the journalist a general response. I do not recollect the words at the moment but at the time I said things along the lines of—and I admit that this was probably an overstretch; I did say at the time that it was reported in the *Canberra Times*—that the committee believed that this was a serious matter, that there were serious amounts of taxpayers' money involved and that that is why it warranted an inquiry. I had also

explained to the journalist that Auditor-General's reports were routinely inquired into and that the level of inquiry depends on how the public accounts committee wants to deal with them.

I think from recollection, my understanding is that Mr Pettersson may have taken exception to my appearing to speak on behalf of all members of the committee. It is a little bit difficult. I do speak on behalf of all members of the committee when I make public comment but I may have overstepped the mark and I do recollect that I apologised to the committee if they thought I had overstepped the mark.

There was no question as to who was the source of the information to the *Canberra Times*, because I was quoted in the *Canberra Times*. So we did not really have to have an investigation into that. The *Canberra Times* asked me whom we had written to. I did not divulge whom we had written to but I said that we had written to a range of people who were mentioned in the report. I was asked how many people we had written to. I said about 15. That was reported in the *Canberra Times* as the committee had written to 15 people.

Then the rest of the article was essentially the *Canberra Times* rehashing the story so far in relation to the certain land acquisitions of the Land Development Agency. I did not think anything more about it. It was raised with me: you wrote to me, Madam Speaker, which made me think about it a bit more and there were discussions. It only occurred to me when the discussions arose that I had failed—and I apologised to members for this and I apologise again—to notify members after my contact with the media. I should have informed members so that their first warning came from me that there was going to be a story about their inquiry. It should come from me rather than reading it in the *Canberra Times*.

It was an oversight on my part. I have apologised. I do not find any problem in apologising for my oversights. I am surprised that Mr Pettersson has decided that this matter is so important. Without reflecting on your decision, Madam Speaker, given that the committee had decided that there was no unauthorised disclosure and, therefore, we could not consider whether or not our deliberations had been impacted because they clearly had not been impacted, because it was not unauthorised and it was not a secret as to who the person was who had spoken to the *Canberra Times* and the person who had spoken to the *Canberra Times* was authorised to do so, I am surprised that we are here today discussing this motion.

I hope that this attempt by the government to conduct a privileges inquiry is not an attempt to hamstring the public accounts committee in its inquiry into an issue which is clearly of discomfort to the government. We have to ask ourselves: is the non-government member of the public accounts committee being pursued because the government is uncomfortable about the extent of the inquiry? I will just leave that there. I leave it for members to contemplate that and contemplate that in relation to the motivation for this motion, which we will be opposing.

**MR RATTENBURY** (Kurrajong) (3.51): The central issue and allegation, as I best understand it, is that Mrs Dunne disclosed information not authorised by the committee, and this references standing order 241(d). In reflecting on how we should respond to this matter there are two things to consider: the first is the *Canberra Times* report, which Mrs Dunne and Mr Pettersson both referred to, which contains some quotes from Mrs Dunne. It also contains a degree of what I might best describe as interpretation and other material by the journalist, and it is important to distinguish between those two things.

The other thing we are required to consider is standing order 278, which details the criteria to be taken into account when dealing with matters of contempt. That sets out a number of areas, but specifically it says we are required to consider whether, for the reasonable protection of the committees, we need to protect against improper acts tending substantially to obstruct the committees in the performance of their functions. This should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Assembly. There are other criteria, but that is the one Ms Le Couteur and I have particularly reflected on in considering this matter.

On balance, we consider that the comments made by Mrs Dunne are essentially procedural or informational in nature. The further information she has provided to the Assembly today affirms that view for us. We also do not believe they substantially obstruct the conduct of the committee. Our views on that have been reinforced by the comments Mrs Dunne has just made to the Assembly. I welcome her acknowledgement that on reflection perhaps she was more colourful than she might have been in the observations she made about why the committee was formed. But those of us who have been chairs of committees know that you are asked to talk about what is going on in the committee and that you need to be mindful of giving as much information as you can and being helpful to the journalist and allowing the public to understand what is happening in the committee process but not going so far as to disclose deliberations of the committee. We do not believe Mrs Dunne has crossed that line on this occasion, so we will not be supporting the referral to a privileges committee today.

In considering this matter we reflected on the fact that if members have a view that it is not clear what committee chairs can and cannot talk about when asked to talk to the media—and I think there is an implicit ongoing authorisation for the chair to talk to the media at least about the procedural matters of the committee—the appropriate way to deal with it would be to put a referral to the Administration and Procedures Committee to further elaborate on the rules. We are not sure that is necessarily the case, but if other members have that view, we would be open to a consideration of that question. We will not be supporting the motion today.

**MR COE** (Yerrabi—Leader of the Opposition) (3.54): I too welcome Mrs Dunne's comments on this issue. Having been a part of the discussions in the public accounts committee where we reached our initial and only view on this matter of privilege, I have to be very careful. To be honest, I think it is a pretty trivial issue before us today,

but I understand the principle is something we have to make sure we uphold at every opportunity. To put this in some perspective, this happens on a regular basis in the planning committee. I was on the planning committee for eight years and I can recall situations where you would be doing an inquiry into something and somebody would say, “Well, have you written to this person or have you written to that person? Have you written to the community councils? Have you written to this proponent or that proponent?” Usually you would say yes or no or, “Look, I’m not sure. Do you think we should?” More often than not they would say yes, because that is why they are making the suggestion. Yes, I understand we have the principle to uphold here, but we have to also make sure we are using the collective reach of members to ensure that the committees are going as far and as wide as they need to.

I also think it is important that we appreciate the fact that people in this place do a fair bit of media and there is a fair chance you are going to get a question about a committee inquiry even if that was not the original purpose of the media interview. It is not appropriate to simply shut it down and say, “No, we’re not going to make the most of this opportunity to talk about the work of the committee and talk about possible inquiries.”

To pick up on Mr Rattenbury’s final point, perhaps better clarity on guidelines is required. But especially with the example I gave about the planning committee, it is important that we have the flexibility for members of the committee and the chair to be free in talking about the work of the committee so that we can get as much engagement as possible in the work we are doing in this place.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (3.57): I move:

That the debate be adjourned.

*A division being called and the bells being rung—*

*Members interjecting—*

**MADAM SPEAKER:** Whilst we are waiting for people to come, I have heard various comments about, “This must be dealt with.” There is a motion before the floor. Precedence was about bringing on Mr Pettersson’s motion. If the Assembly raises another motion to adjourn that debate, it can be debated and it can be adjourned. There is some thought from some members that they may have wanted time to read the Clerk’s advice, which was very slow in being circulated, I must admit. But unless I was asked from the floor for that advice to be tabled, I was not necessarily ready to offer it up in the first place. The Clerk’s advice has been circulated. The current question is that the debate be adjourned. That is the current question before the floor, and that is what we are having the division on. Are we all clear? And everyone who can be here is here, so lock the doors.

The Assembly voted—

Ayes 10		Noes 11	
Mr Barr	Mr Pettersson	Mr Coe	Ms Lawder
Ms Berry	Mr Ramsay	Mr Doszpot	Ms Le Couteur
Ms Burch	Mr Steel	Mrs Dunne	Mr Milligan
Ms Cheyne	Ms Stephen-Smith	Mr Hanson	Mr Parton
Ms Fitzharris		Mrs Jones	Mr Rattenbury
Ms Orr		Mrs Kikkert	

Question resolved in the negative.

**MR COE** (Yerrabi—Leader of the Opposition) (4.03): I move that the question be put forthwith without debate.

**MADAM SPEAKER:** Mr Coe, I was seeking some advice and I was also reflecting on the comments of Mr Rattenbury that had some suggestion that it be referred to admin and procedure committee.

*Opposition members interjecting—*

**MADAM SPEAKER:** I am just trying to work through this. There was much discussion from your side around whether it had to be dealt with or whether it could even be adjourned, so you will give me a little bit of leeway, thank you.

**MR RATTENBURY** (Kurrajong) (4.03): Madam Speaker, if I might, I did not move a substantive motion; I was just offering a thought to the Assembly if someone wishes to move a motion later.

**MADAM SPEAKER:** Thank you. So the question before the floor is that Mr Pettersson's motion be agreed to. Mr Coe.

**Mr Coe:** Madam Speaker, I believe I already put that second motion.

**MADAM SPEAKER:** Mr Coe, I just wanted to tidy that up. You can put that motion, now, thank you.

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

That the question be now put.

Original question resolved in the negative.

## Canberra Hospital—infrastructure

Debate resumed.

**MR RATTENBURY** (Kurrajong) (4.04): The Greens will be supporting Mrs Dunne's motion today. It is appropriate that the Assembly and the ACT community have the opportunity to scrutinise the government's responses to issues of infrastructure risk at ACT Health facilities, including at the Canberra Hospital. The maintenance of healthcare facilities is fundamentally important to having a health system that provides high quality and effective services for all Canberrans.

The AECOM report was commissioned by the government in 2015 to define future needs and develop an asset condition report for ACT Health facilities. AECOM undertook a high-level desktop review and visual inspections at ACT Health facilities, and the final report provides a comprehensive assessment of the conditions of each asset. The final report identifies approximately 600 issues which have been risk assessed and indicatively costed for any maintenance work required.

While 600 issues sounds like a lot, this number needs to be understood in context. The AECOM review covered 31 different ACT Health facilities, and within those facilities there were a number of campuses with multiple buildings. The review of the Canberra Hospital covered 23 buildings, and at Calvary hospital 22 buildings were assessed. ACT Health is a broad and complex system that manages a number of facilities and provides a wide range of services. I do not mean to minimise the issues presented in the report; I simply raise these numbers to highlight the complexity of the environment that ACT Health is managing.

It is clear that there are a number of ACT Health assets that require urgent maintenance and upgrading, and the government should be, and is, in the process of addressing each of these issues as a priority. AECOM estimated that addressing the extreme and high-risk issues at the Canberra Hospital alone will require significant investment. In response to this the government has committed substantial funding to maintain and improve ACT Health infrastructure through both last year's and this year's budgets.

The AECOM report also details what kinds of maintenance issues the report referred to. AECOM found that 77 per cent of costs associated with issues at the Canberra Hospital related to building engineering services. These are matters such as water tanks and supply systems, cooling towers, fans, fire alarms, lighting, security services and lifts. These are all crucially important to the successful running of any large building but particularly one as complex and busy as a major hospital. These are the systems that create the environment that allows our health professionals to provide high quality care to patients. That is why the government needs to respond to all the issues identified in the AECOM report, with immediate priority going to those assets assessed as at extreme or high risk.

As has already been discussed, there were four assets reviewed as being at extreme risk in the report. These were the structural works at the helipad, the main switchboard upgrades, a gas meter and windows in building 1. I understand from Minister Fitzharris's public comments that work is underway to address all of these items, and the work on the helipad was completed earlier this year.

The AECOM report also identifies issues of relevance to my portfolio of mental health. Eleven items were identified within the report about Brian Hennessy house, of which nine were assessed as medium risk and two were found to be low risk. These issues will be addressed as part of the government's future maintenance work, with priority determined based on the risk rating assigned in the report. In addition to identifying specific issues, the important finding of the AECOM report was the need to improve structures and systems for asset management planning going forward. AECOM found that while planning processes were in place for immediate and short-term issues, the long-term forecasts for replacing equipment needed to be improved.

While Mrs Dunne's motion rightly focuses on reporting against the extreme and high-risk issues, it is also important that Canberra Hospital and ACT Health are simultaneously working to improve those longer term planning systems so as to avoid future high-risk situations as much as possible. Ideally, we would like to be in a situation where assets undergo ongoing maintenance which does not allow them to deteriorate to a level where they would be at extreme or high risk of malfunction. As part of the efforts to address this issue, strategic asset management plans are being developed for the Canberra Hospital, Calvary Public Hospital and other ACT Health sites.

I thank Mrs Dunne for bringing this motion to the Assembly today, and the ACT Greens are pleased to support it. Public reporting on the government's Health asset maintenance program is important to ensure the public has confidence in our hospitals and other health facilities.

As Minister for Mental Health, I have a particular interest in the maintenance of our infrastructure at ACT Health's mental health facilities. I look forward to working with Minister Fitzharris to ensure facilities right across the ACT Health system are properly maintained. Maintaining the good and proper condition of our health facilities enables our health professionals to provide the best possible level of care for the community, and that should ultimately be the focus of our health system.

**MRS DUNNE** (Ginninderra) (4.10), in reply: I thank members across the chamber for their support for this motion. I thank Mr Rattenbury for his comments and the realisation that this is a motion that is designed to create transparency and confidence in the community about the fabric of our buildings.

There are a few comments that were made by the minister that I will reflect on a little. The minister, in her remarks, said that the commissioning of the AECOM report is what good governments do every day—they commission reports. She went on to say

that after you commission reports, you prioritise investment. And I would agree with that. But what a really good government does then is to get on and do the work. In the case of the switchboard, which is the outstanding and largest problem confronting us at the hospital, we have a litany of examples of not getting on and doing the work, some of which Mr Milligan outlined in question time today.

With respect to the reason that I have brought forward this motion, Mr Rattenbury is correct; the number seems large, with 143 issues which are high priority. But some of those individual high priorities may be easy to fix. Some of them might be just taking the duct tape off a circuit breaker so that it functions properly. That could be a high priority issue and it may not cost much to do. It is important for the community and it is important for the transparency of the Assembly that we know what those issues are.

The minister, not in her comments in this debate but in question time today, asked whether it was a surprise to the opposition that the government proposed to spend \$97 million on this project. No, it is not a surprise to the opposition that the government propose to spend \$97 million on this project. Mr Hanson, as the shadow minister for health, during the previous budget estimates drilled down into this quite significantly and asked the then Minister for Health significant and detailed questions about what this money, this \$97 million, was going to be spent on, and the then Minister for Health refused to answer the questions in detail.

In relation to Mr Hanson's questions on notice about this \$97 million expenditure and what it was to be used for—and he asked specific things about how much was for the electrical upgrades and how much was for hydraulic upgrades and things like that—the answer was a dismissive one-line answer which I do not actually recollect word for word so I will not quote it. We have known since the last budget about this, and when we could not get the answers from the minister himself, that was why we pursued the AECOM report, and why we have pursued it for some time.

The minister, in her comments during the debate and on radio this morning, seemed to imply that the opposition had done something nefarious because we have had access to this report since 19 June. That is true; I think it was on a Friday. Late in the evening the report came back from the independent legal arbiter and the report said that he did not uphold the claim of privilege. I spoke to the Clerk about what the process was from here. The Clerk said, "I've got one hard copy. It's several hundred pages long. Not every member of the opposition wants a copy, do they?" I said, "I would like a copy," and that I would let him know whether anyone else wanted a copy. No-one else has come to me saying they would like a copy. I received this report on the Monday after the Friday, which was in mid-June.

I have not done anything publicly with this because this report was not published and did not attract privilege until yesterday, when it was tabled in this Assembly. The only thing I have done with it is read it, and my staff have read it. I did ask questions about the AECOM report in the estimates hearing, but the questions I asked were of a general nature and did not relate to the specific things in this report because this report had not been published. It was published yesterday and I have brought these matters to the attention of the Assembly as soon as the report was published.

I have not done anything nefarious. I have not been sitting on it in some sinister way. However, the government have had this report since February last year and some of the content since November the previous year. They have been sitting on it and they have resisted, as Mr Corbell did, telling the opposition, telling the Assembly and telling the people of the ACT what they were going to spend their money on. I am glad that this report has seen the light of day and that the Assembly has now agreed that the appropriate way forward is to tell the Assembly and to tell the people of the ACT what the government are going to spend their money on and to give assurance to the people of the ACT that the government are taking the issues of maintenance at the hospital seriously and that we will not expect to see repeats of the near disaster that we had in April. I commend the motion to the Assembly. I thank the members of the Assembly for their support on this matter.

Question resolved in the affirmative.

## **Schools—workplace safety education**

**MR WALL** (Brindabella) (4.16): I move:

That this Assembly:

(1) notes:

- (a) that for over a decade Unions ACT and unions have been invited to ACT government schools and colleges regularly to talk to students about workplace safety rights;
- (b) that the ACT Education Directorate *Workplace Learning Program Guidelines and Requirements 2017* states that students are required to receive information about their workplace safety rights and responsibilities in preparation for workplace experience placements;
- (c) the strong political affiliation between ACT Labor and Unions ACT;
- (d) reports from parents that work experience information sessions provided by Unions ACT were used as an opportunity to recruit members;
- (e) WorkSafe ACT's role as the primary enforcer of the Territory's health and safety and workers compensation laws through a mixture of education and compliance activities; and
- (f) the ACT Government's refusal to answer questions about the appropriateness of third-party organisations recruiting members in schools; and

(2) calls on the:

- (a) ACT Government to explain why WorkSafe ACT do not currently provide and deliver workplace safety rights and responsibilities programs in ACT government schools;

- (b) ACT Labor Government to utilise existing resources of WorkSafe ACT to deliver information about workplace safety rights and responsibilities to students attending ACT government schools;
- (c) ACT Labor Government to ensure that WorkSafe ACT is the primary provider of any workplace safety learning program commencing immediately; and
- (d) ACT Education Directorate to immediately establish guidelines for external organisations and individuals presenting to students in ACT government schools.

I am very pleased to bring on this motion today. In part this motion gives me the opportunity to set the record straight in the wake of what many have described as a campaign designed to intimidate a member of parliament, orchestrated by UnionsACT. This motion is very straightforward: it seeks to take the politics out of our schools whilst continuing to ensure that workplace safety information is effectively and appropriately relayed to young people upon entering the workforce— young people who may already have casual work either on a weekend or after school, young people about to enter the workforce full time and young people looking to participate in work experience placements. It is incredibly important that our young people are informed about their rights and responsibilities in a workplace. This is a fact and something I wholeheartedly support. It is completely correct that the Education Directorate incorporate this into the ACT government school curriculum as a required program.

I will say it again: at no time have I ever sought to compromise workplace safety or diminish the importance of every individual's right to work in a safe environment— not once, not ever. What I take issue with is the fact that currently this kind of information is being delivered by a highly politically motivated union movement and, worse, that this has been the case for over a decade. To add insult to injury, the minister for education completely failed to answer questions about the appropriateness of third-party organisations recruiting in ACT government schools when asked about this during the estimates hearings. It was not just unions recruiting in schools but any third-party, membership-based organisation. The fact there was an unwillingness on the minister's part to answer whether or not that is appropriate, let alone the fact that no guidelines are in place, reeks of the potential issue that exists in so many schools.

Most in this place know my story—like many in this place I am fairly new to politics. In fact, my background leans towards completely the opposite direction. I have been in the workforce since I was 15. In my very first job, working at McDonald's, I was, amongst other things, on the work, health and safety committee. I have worked in various hospitality jobs as well as being an apprentice in the construction industry. Through that I have seen my fair share of job sites. For anyone to accuse me of not supporting and not believing in workplace safety laws is very short sighted. They should put themselves in the situation I unfortunately found myself in, where one of my very close friends and colleagues at work rang me one day whilst lying on the

ground having just fallen off the roof. To say that I do not care about the safety of individuals like him is a gutless attack on someone who is trying to stand up for some transparency and accountability in the way this government operates and goes about its business. The unions and their ACT Labor comrades sitting opposite are choosing to hide behind workplace safety as a shield for their political agenda.

Again, for the record, I believe in workplace safety and the rights of the worker as much as those opposite and as much as some in the union do. I also believe in the freedom of the individual and the rights of employers and business owners to operate free from bullying and intimidation. To set the scene for this issue coming to light, I will read an email that I received on 13 June from a parent of a student attending Campbell High School. It read:

Hi Andrew,

I just wanted to let you know that the union reps attended Campbell High School today, giving Yr 10 students a 40 minute presentation, including show bags and answering questions on how to join the union.

After raising the issue publicly and asking questions of the minister during the estimates hearings, I received a letter from UnionsACT refuting any recruiting in schools. In fact, the letter says:

I can confirm that at none of the work experience sessions were union membership forms handed out.

This does not rule out tacit recruiting throughout any session by union organisers. The fact remains that, in my view and the view of many parents, this kind of program should not be delivered by a politically motivated partisan organisation or an affiliated organisation such as the ACT union movement. The alarming facts are clear for all to see. Not much gets done in this town without the unions' say so. This government is completely and utterly beholden to the union movement. Only recently we heard about Labor MLAs having to report to UnionsACT should they dare to attend a Master Builders Association event or even meet with them. This is a completely unreasonable request, and the fact that there has been no denial of this practice tells us that this has become the normal way of doing business for this government.

It is very clear that a more appropriate choice to undertake this task would be an independent body that already exists within the ACT—WorkSafe ACT. After all, WorkSafe ACT's role is specifically as the primary enforcer of the territory's health and safety workers compensation laws through education and compliance activities. I wonder if this government would even consider allowing an industry peak body, such as the Master Builders Association, for example, undertaking workplace safety programs in schools and informing our young people? My guess is that the unions simply would not allow it.

By raising this issue publicly, it seems that I have poked the bear yet again. UnionsACT unleashed a campaign in my electorate to discredit me personally and

spread complete and utter lies about the premise of the issue and my stance on workplace safety. The robocall deployed to apparently some 20,000 households in Tuggeranong on 10 July was a low act in anyone's book and very politically motivated. The caller was a concerned mum called Jane—apparently not the person who originally raised the issue—who falsely claimed that I was somehow single-handedly taking away workplace safety rights from our young people.

The call was used to discredit me because I dared to raise the issue of unions potentially recruiting in schools. I received a number of calls after that union-orchestrated robocall went out. A majority of them were largely confused about the message and were seeking clarification, which my office has since provided. I will read one email, forwarded to me, that was originally addressed to the Chief Minister, Mr Barr:

The reason for this email is, I have just received a recorded message from a person called Jane, claiming to be a mother of a teenager and asking for 30 seconds of my time to listen to a story claiming that Andrew Wall is somehow putting young students looking to become a trades persons welfare in danger. I don't know if this true or not and not being a political animal I don't follow local politics closely but if this is the best way you can get your messages out to the voting public then God help us. Jane, if that is her name has not got the intestinal fortitude or the good manners to leave a number or email address for me to debate the matter with her and only gave one option to leave so that she could pass the negative feedback on the Andrew Wall.

The email goes on to say:

Thank you for opportunity to voice my disappointment, particularly in the new low you're party has stooped to try to score a few point against your opponents and if that is the best you can come up with then I think my other points of view I have stated are probably not far off the mark.

This negative campaign was immediately associated with the Labor Party, so it is reasonable to assume that an organisation that is obviously aligned and so intrinsically part of the Labor Party should not be responsible for delivering any program in our schools. We saw an enlightening example earlier this week which saw some publicity within Mr Rattenbury's portfolio where parks and wildlife rangers were out presenting in schools. There are numerous examples where public servants or individuals under the employment and guidance of the ACT government appear in schools to deliver great programs that provide significant educational value. I am simply calling for us to maintain the independence of our school system, particularly our public school system, so that the function of the WorkSafe commissioner, who is tasked with not just the oversight and enforcement of workplace safety laws but also an educational function, is broadened and rolled out in schools in the ACT.

I look forward to hearing the comments of members opposite in this debate. I really cannot see any reason—I look forward to hearing them if there are any—why the office of the Workplace Safety Commissioner should not be delivering workplace health and safety programs in schools. I call on those opposite to explain why it

cannot be within the remit of WorkSafe ACT to educate and inform young people of their rights and responsibilities and why these sessions must be delivered by such a partisan organisation. They seem to have an issue when it comes to dealing with some organisations in the club space. They have deemed some organisations partisan and have refused to deal with them, so it seems that so long as organisations agree with them they are fine. I look forward to hearing the real thoughts of those opposite, and I commend my motion to the house.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (4.27): The government will not be supporting this motion in its current form. I have an amendment circulated in my name that I will move in a moment. Mr Wall's motion does not appear to be about elevating the interests of students or workers. It is not about recognising and respecting the role of WorkSafe ACT, either. It seems as though Mr Wall and others have a particular dislike of trade unions. He has made that clear in his personal comments outside and inside this place. So we accept that; we accept that there is a real difference there, and that is okay.

It is okay to have a difference and to have a sophisticated and grown-up debate where people do not need to yell at each other across the chamber and make allegations about not getting responses to questions that they have asked, when they did. The questions were responded to by officials in the Education Directorate. So it was simply not true to say that his questions were not answered when they were asked during estimates hearings.

There is nothing in Mr Wall's motion, or his remarks in support of it, that even considers how important it is that students are prepared for adult life. So I am going to make that my contribution to this debate, rather than get into a battle about whether unions should exist or not, or who is the better person on either side of this debate. The work done by UnionsACT through this program is absolutely pure. Unions give their time freely to schools to make sure that students, as new workers, are protected from threats to their workplace health, safety and welfare, and that they are informed about their rights and responsibilities at work and the rights and responsibilities of their employer. This is a very important role of school education.

As my amendment identifies, providing this kind of information is among the legislated commitments of the government school system, which include responsiveness to community needs and preparing students to be independent and effective local and global citizens. How can young people be independent and effective members of society in adulthood if they are not sufficiently equipped to enter work? As some of my colleagues in the government will highlight in their remarks, I am sure, there is clear evidence that supports the importance of students in schools having appropriate access to expert advice when they need it on workplace rights and responsibilities as well as workplace health, safety and welfare.

It is an unfortunate fact that young workers, by virtue of their age and inexperience, are vulnerable to exploitation. Even if an employer does the right thing by their workers—and many employers do—new workers need to be equipped with the knowledge to meet their own responsibilities as new workers. The need for early support to make sure new workers remain safe and healthy at work is obvious. Mr Wall has even given an example of his own experience. Time and again we are presented with evidence that young people are particularly vulnerable to health and safety risks. The lifelong implications of a workplace injury early in life should not be underestimated and cannot be ignored.

Throughout the Australian curriculum, these issues are recognised. For example, civics and citizenship looks at government and democracy, including issues like freedom of association. Students also examine what it means to be Australian by identifying the reasons and influences that shape national identity, including events such as the Eureka Stockade and the Australian shearers strike. History examines the nature and significance of the industrial revolution and how it affects living and working conditions, including in Australia. Economics and business examines topics like workforce management, how work arrangements are impacting on the rights and responsibilities of employers and workers, the responsibilities of government in improving the conditions of workers in relation to work health and safety, equal employment and the rights of women. Work studies is a response to key work-related issues facing young people today and into the future, such as growing work insecurity and the unpredictable work future.

The simple fact is that unions play an important part in the fabric of Australian society and they have done so over much of the history of this country. Pretending that unions do not exist and that they do not have a role in society will not make them go away. Because of their focus on protecting and furthering the rights and interests of workers, they are expert in the issues related to workplace health and safety, and rights and responsibilities. They are appropriately knowledgeable to support schools by providing this information.

As Mr Wall knows from the discussion during estimates, the content of the presentation by UnionsACT in government schools is about workplace rights and responsibilities and workplace health, safety and welfare. Union recruitment is not part of the presentation. I wonder whether Mr Wall's objection extends to the participation of business in school communities, of organisations that are involved through the CareersXpo that I opened today. Or is it just the organisations that Mr Wall does not like? UnionsACT also makes this contribution to schools free of charge. There is no cost to government—not to the education budget or anywhere else.

While WorkSafe ACT certainly have knowledge in some areas covered, their primary focus is, appropriately, on regulating workplaces. Even though this might involve providing advice, information and supporting education and training, it is not their role to be an education and training provider. WorkSafe are not resourced to fulfil this role in our schools and their resourcing is rightly focused on their regulatory functions.

I thought it would be very important to bring a little bit of balance to this debate as well by informing members of some of the overwhelming support for this kind of activity being a part of our school education. As members know, the Education Directorate and I have been talking with school communities—with parents, teachers and students—since February, as part of the future of education conversation.

I reported yesterday during question time that students are consistently asking for greater attention to equip them to enter adult life. They want to know how to “adult”. They have told the government that they need to learn about real life, about how to survive in the adult world, handle finances and taxes, communicate at work and network, reason and analyse information. I heard from one student at Lake Tuggeranong College about their participation in an Australian school-based apprenticeship. I am sure that I do not need to remind members of the safety issues many trade apprentices face.

It is not just the government that is hearing these messages. The Youth Coalition of the ACT, in their 2016 rate Canberra survey, were told a range of similar things. For example, a 16-year-old male from Belconnen reported that school “doesn’t prepare for real-life situations that would determine our fate in the workforce”. A 16-year-old female from Woden said that high school “doesn’t necessarily increase my knowledge about the specifics of a job or how to get it”. Forty-eight per cent of respondents to this survey felt that their studies were only “somewhat” preparing them for employment. As the *Canberra Times* reported a few weeks ago, Alfred Deakin High School year 10 student Jack Dixon said that he found the program helpful, and father Jim backed the initiative:

“From a parent’s perspective it’s exactly the sort of thing you hope kids do learn because they’re not always going to either listen to their parents or ask their parents or their parents might not think about asking them about these sorts of things,” Mr Dixon said.

“Having it happen in schools is great.”

The *Canberra Times* also reported on teacher support for the work UnionsACT are doing and verified that this is not a union recruitment exercise. What more important preparation can our schools provide young people than making sure that they know about how to manage threats to their workplace health, safety and welfare, and informing them about their rights and responsibilities at work?

The government is committed to making sure all workers, especially vulnerable workers, are treated with dignity and respect and, most importantly, come home in the same condition that they went to work. This issue should be above politics. It should not be used by Mr Wall as a political football match. Unfortunately, that appears to have been what has occurred. I move the amendment that has been circulated in my name:

Omit all words after paragraph (1)(b), substitute:

- “(c) the aligned values of the Australian Labor Party and the labour movement;
  - (d) WorkSafe ACT’s role as the regulator of the Territory’s health and safety and workers compensation laws through a mixture of education and compliance activities;
  - (e) the vital importance of ensuring that new workers are informed of their workplace rights and responsibilities and protected from threats to their health, safety and welfare, because of the particular vulnerability of these workers; and
  - (f) the duty of government schools to be responsive to community needs and prepare students to be independent and effective local and global citizens; and
- (2) supports the Government continuing to make sure that students in all schools have appropriate access to expert advice on workplace rights and responsibilities and health, safety and welfare.”.

I hope that all members of this place can take a moment to reflect on and support the amendment and the government’s continuing to make sure that students in all schools have appropriate access to expert advice on workplace rights and responsibilities and health, safety and welfare.

I also again extend an invitation to Mr Wall to attend the presentation—he has yet to accept the offer—so that he can see for himself and satisfy himself that the presentation delivers exactly what it is intended to, and that is to provide expert advice on workplace rights and responsibilities and health, safety and welfare. I commend my amendment to Mr Wall’s motion to the Assembly.

**MR RATTENBURY** (Kurrajong) (4.37): I rise to speak on the motion brought forward by Mr Wall. While the Greens will not be supporting the motion as originally brought forward, I will take the opportunity to speak on the important issue of workplace safety and the education of young people about their workplace rights and entitlements.

Too frequently we have heard the stories of those who have been impacted by workplace injury. These stories extend to the workers themselves, as well as to their families, partners and parents. It is an unfortunate reality that some of these incidents have involved young people who have received no training or induction about proper workplace safety procedures or education about the protections their employers are required to put in place to ensure their safety.

We must have a zero tolerance approach to workplace accidents. A crucial part of ensuring the safety of young workers is educating them on their workplace safety protections and their own responsibilities to work safely in the workplace. One of the core responsibilities of schools is to prepare our young people to enter the workforce. It makes sense for our education system to provide students with information about the obligations of employers to ensure their safety while at work, to ensure that young people both understand and are able to ask their employers to meet these obligations.

It is not uncommon for young people to commence paid employment while they are still completing their year 11 or 12 studies, and some perhaps even earlier. I note that there are increasing opportunities for students to take up vocational training or school-based apprenticeships while undertaking secondary education. Tragically, these opportunities, which provide important skills and training for young people, have not been without accident. Without going into the specifics, the idea that students could be severely injured while undertaking a school-based apprenticeship or while participating in the development of trade skills is unthinkable. Yet such accidents have happened and they underline the importance of training and educating both workers and employers or supervisors in safe workplace practices and procedures.

We expect that everyone who goes to work each day will return home safely. This is just as true for our young workers who may be working a few hours a week in casual employment as it is for all of us who, as adults, work full time, whether it be in an office or on a construction site. An additional and related issue is the matter of workplace rights and entitlements. While I acknowledge that this is a separate issue to that of workplace health and safety, it is equally important that we educate our young workers about the basic entitlements and expectations that they may have of their employers.

It is with depressing regularity that we hear of employers, including those here in the ACT, that have underpaid or withheld wages from young workers. In a time when employment for young people is becoming increasingly insecure and there is a growing take-it-or-leave-it approach to wage negotiation, it is crucial that governments provide the opportunities for young people to be educated about their workplace rights as well as ensuring that employers are compliant with the laws that are put in place to protect them.

We have seen some very high profile examples in the last year or so of major national chains that have HR departments or the like. They have been franchises in some cases, but we have seen significant examples of people being ripped off in the workplace, not being paid their entitlements, not being paid for their proper hours and these sorts of things. It is essential that people appreciate that they do have rights and how to stand up for them.

We often hear about young workers who have been intimidated and bullied in the workplace. Despite decades of work to try to achieve an equal footing between

workers and employers, we do still see situations where particularly vulnerable workers are bullied and intimidated by their employers. It is this power dynamic that allows exploitative employment practices to flourish whereby vulnerable workers are left with no option but to give up what they are rightfully entitled to in terms of pay and conditions under threat of getting the sack. It is in the interests of workers that all governments work to break down this power imbalance.

The Greens have long recognised the work and support that unions have provided to workers. They continue to provide it today. Too often unions have had to serve as the last line of defence for vulnerable workers, protecting workers from exploitative practices or negligence on the part of employers. I likewise recognise the work of WorkSafe ACT, which has a crucial role in educating employers about their obligations to workers, as well as enforcing compliance with those obligations when employer actions have been found wanting. Both our local unions and WorkSafe ACT, as the relevant regulator, form part of the necessary safety net that we have in place for workers in the ACT to minimise the risk to workers and to ensure that everyone in the ACT returns home safely after each and every day's work.

I note that the question of who can provide and who has been providing this training in ACT schools was raised during this year's budget estimates process and that the estimates committee requested clarification on all the approved organisations that deliver any educational programs in ACT schools. Of course, we know that there are a range of organisations across a range of issues that do present in ACT schools. I suspect various members in this place have varying views on those organisations. I also note that the committee accepted the value of educational programs being delivered in ACT schools to prepare students for entering the workforce. Again, I make the observation about the breadth of organisations that are present in our school environment.

As I said at the beginning, the Greens will not be supporting the motion in its original form. We will be supporting the amendment moved by Ms Berry. I think that that is a fair reflection of the situation. We do support the government continuing to make sure that students in all schools have appropriate access to expert advice on workplace rights and responsibilities and on health, safety and welfare.

Frankly, I think that most people would support that. I think there will be a range of people who come into the school environment and talk about that, as should be the case. I do not think we need to have a sort of "which side of politics supports which groups the most" approach. Having spent some time as education minister, I am mindful of the fact that principals and staff are pretty vigilant about ensuring that students are exposed to a range of perspectives but also that they are exposed to those perspectives in a way that is as balanced as possible.

I think we should not underestimate in this place the capability of young minds to ask questions, to inquire, to be cynical, to be informed by their parents' views, to be informed by a whole range of views. But in my time as education minister I was certainly very impressed by the critical thinking of the students in our schools. I think it is important in this place that we do not underestimate that capability and that we also do not underestimate the importance of exposing them to a range of perspectives.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (4.45): I am pleased to rise in support of the amendment moved by the Deputy Chief Minister. I want to start by saying that this government acknowledges and appreciates the invaluable work that unions do play in protecting the safety and rights of workers in their workplaces.

It absolutely makes sense that their experience and expertise would be engaged to make sure that students in schools have appropriate access to information and advice on workplace rights and responsibilities and their health, safety and welfare at work. This government makes no apology for working collaboratively with unions, employer bodies and the community to ensure young people who are at high risk of being injured or exploited at work come home safely from work and get a fair go while they are there.

I support this amendment moved by the Deputy Chief Minister because young workers are vulnerable due to high levels of underemployment and casualisation. I support the amendment because young workers in the ACT and across the country still, all too often, experience exploitation and are exposed to unsafe work practices. I support this amendment because this government takes young workers' safety and young workers' rights very seriously and supports a range of measures to ensure that young workers have access to education and expert advice on their rights and responsibilities.

The Youth Coalition has found that more than 43 per cent of respondents to a survey aged between 16 and 21 years held casual jobs, with 69 per cent of those positions in retail, sales and hospitality and tourism. The highest percentage, 19 per cent, had a weekly income of only \$100 to \$250. More workers across the economy are being pushed, willingly or otherwise, into a state of insecure employment and casual or part-time hours. Many of those who need more hours do not get them, making them even more reliant on the hours they get.

Younger workers, as well as those who do not speak English as their first language, are more likely than ever to be trapped in a cycle of insecure work and at risk of exploitation. Having no alternative employment, workers in insecure jobs not only are more likely to be exploited but are less likely to speak out about it. Without the experience of years in the workplace or alternative jobs, young people face a concerning situation which is made worse when some employers seek to take advantage.

On this side of the chamber, we will stand up for young people. We will stand up for young people not only to enter the workforce but to have their rights in the workplace respected and upheld. Sadly, instead of standing up for young workers, the current federal Liberal government is helping to create an environment that pressures young and vulnerable people into accepting unfair employment conditions. Just one example is the recent federal move to outline a plan for \$4 an hour internships, where employers are paid \$1,000 to take on an intern for a short period of time and where they are paid a small wage with no guarantee of employment at the end of the day.

Recent cuts to penalty rates have also disproportionately affected young workers, and the cuts to their take-home pay make their situation even more precarious. The ACT government is, of course, bitterly disappointed that this decision will adversely affect people who work in the retail, fast food and hospitality sectors. As we have discussed in this place, there is no evidence that cutting penalty rates will create new jobs, but we know it will cut the take-home pay of some of our lowest paid and most vulnerable workers, including young people.

We on this side of the chamber make no apologies for standing up for workers' rights and safety. We make no apology for thinking it appropriate that young people—people who are known to be vulnerable in the workplace—should have the opportunity to be informed of their rights at work. Young workers in the ACT and across the country regularly experience exploitation and being exposed to unsafe work practices. This is simply unacceptable. According to a survey of 263 ACT workers aged 15 to 25, seven out of 10 workers felt bullied or harassed at work, while one in two felt they had been forced to work in an unsafe environment.

This research found that half of young people aged 15 to 25 had been placed in working conditions that were unsafe; 70 per cent of young workers had experienced bullying or harassment while at work; awareness of workplace safety rights, policies and laws was low; young women experienced high levels of sexual harassment while at work; and young workers reported fears and pressure from employers to not report unsafe practices. Working in unsafe workplaces was also common for workers under the age of 18, those who are largely still at school, despite additional ACT laws designed to protect child employees. Sixty per cent of workers in this age group had experienced bullying or harassment. Young workers are also injured at up to twice the rate of the rest of the workforce.

This survey uncovered some absolute horror stories from young people of their experiences of bullying, harassment and unsafe work practices. One 16-year-old worker recounted how an older and higher ranking employee constantly belittled them, gave them looks that made them feel uncomfortable and often asked if they were stupid. The teenager said, "Some nights I would come home in tears. My decision to leave the job was largely impacted by her behaviour." In another example, a 21-year-old who was severely underweight said her manager called her fat and made sexist comments towards female staff "but was really buds with the male staff". Another 21-year-old reported, "I was threatened with rape by an anonymous note at work."

This problem is endemic across Australia. Similar surveys have shown that systematic underpayment of young workers is so rife that it appears to be part of the business model of many businesses. Unscrupulous employers are taking advantage of young people's urgent need to find work by offering unpaid eight-hour "work trials" which never result in any paid work. While the ACT has limited powers in legislating or regulating industrial relations and employment matters such as these, by no means does this mean that this government is going to just sit back and allow this appalling exploitation of young workers to keep occurring. This is why the government works

closely with a range of employer and employee representative groups to undertake awareness activities on work health and safety and workplace rights and responsibilities.

These representative groups do important work to raise awareness of work health and safety issues and resources in territory workplaces; facilitate access to work health and safety training for employers and employees; provide other work health and safety services, advice and support to employers and employees; and undertake research into work health and safety and related matters. As the Deputy Chief Minister has said, the information that is the subject of this motion today is about workplace rights and responsibilities. It is broader than just safety in the workplace, although of course safety is a very important element of a worker's rights.

There are a range of workplace rights and responsibilities that are not overseen by WorkSafe ACT. The role of the Fair Work Ombudsman is also extremely important in recognising and upholding the rights at work of young people. Unions are in a strong position to provide a range of advice to young people on the widest range of their rights and responsibilities at work. This complements the activity of WorkSafe ACT, which is active in workplaces that employ young people, recognising that young people are particularly vulnerable in the workplace.

Just one example of this work is the recent activities that have occurred across a number of our shopping malls, where young people are employed in retail activities. WorkSafe ACT has proactively gone into those workplaces to ensure that workers and their employers are fully cognisant of their responsibilities in relation to workplace safety, which, of course, includes bullying and harassment.

These issues are taken incredibly seriously by the ACT government. I again want to emphasise that we acknowledge and appreciate the invaluable role that unions play across all of these issues. It absolutely makes sense that we would engage their expertise to make sure that students in our schools have appropriate access to information and advice as they prepare to or start to enter the workplace. I commend the amendment.

**MR PETTERSSON** (Yerrabi) (4.55): I rise today to speak in favour of the amendment to the motion and against the text of Mr Wall's original motion. I find myself having to rise today because it appears that Mr Wall has seen the word "union" and needs to speak his mind, as we have seen before. Mr Wall's motion reveals something that we see too often from the Canberra Liberals: their ideological hatred of unions. But it also reveals something else. It reveals Mr Wall's threadbare understanding of how industrial relations operates in this country and demonstrates his inadequacy as a shadow minister.

The first and most obvious failing in Mr Wall's understanding seems to be that he does not understand the role of WorkSafe ACT. The original text of his motion implies that the briefings provided by UnionsACT, which inform young people about their workplace rights as they head off to work experience or maybe even their first job, could simply be substituted with briefings by WorkSafe ACT.

This is simply not the case. WorkSafe plays a crucial role in industrial relations, but it is a limited role. Its primary purpose is to enforce the territory's health and safety laws. Health and safety are clearly crucially important to our IR system, but they are not the only part. Employment and contract conditions, remuneration and general workplace rights are just as crucial, and WorkSafe does not enforce these whatsoever. These are obviously enforced by the Fair Work Ombudsman and the federal government.

Maybe we should give Mr Wall the benefit of the doubt. Maybe he meant to say that the Fair Work Ombudsman should provide the briefings. Overall, what I find most disappointing about this motion from the shadow minister for industrial relations is that he seemingly does not believe that unions have any role to play in our community. He does not think they have a role to play in investigating breaches of the Fair Work Act, a federal issue; he does not think that they have a role to play in safety; and now we learn that he does not think they have a role to play in educating young people about the workplace.

Well, Mr Wall, you are wrong. You do not have to take my word for it. The belief that unions play an important role in our industrial system and our community is one that is enshrined in legislation. It is acknowledged by the Fair Work Ombudsman and the Fair Work Commission. It is acknowledged here in the ACT's laws as well, as I am sure you are more than aware of.

It is a belief that is acknowledged by every major institution in Australia except for one—the Liberal Party. And why is that? Why do the Liberals oppose unions at every step? The reason is pretty simple. They are absolutely terrified of working people standing up for themselves. If they had their way, there would be no unions and no self-determination for working people, just a government agency that they could weaken through funding cuts and redundancies.

Labor does not support that. Labor will never support that. We believe in giving working people determination over their own working lives and we believe that young kids who are about to enter the workforce should know about their workplace rights. There have been allegations made that these are recruitment sessions for unions. These are not recruitment sessions for unions. These are information sessions for the benefit of vulnerable young people. Ultimately, with this motion, Mr Wall is showing us that he does not think that unions, the representatives of working people, can help inform a new generation of what to expect as they enter the workforce. And he is wrong.

**MR STEEL** (Murrumbidgee) (4.59): At the turn of the century, and while at high school, I undertook work experience in a retail store at the Tuggeranong Hyperdome and was thankful that this led to a job for almost four years. I would have benefited from a program like that provided by UnionsACT so that I was equipped with a basic understanding of my workplace rights.

I want to remind the Assembly about the basis of employment law in Australia over the past two decades and quote from Professor Andrew Stewart:

... there was for a long time no clear delineation of legislative responsibility over employment matters between the Commonwealth, States and the Territories.

After coming to government in 1996 the Howard government introduced the Workplace Relations Act 1996, which, for the first time, saw commonwealth industrial legislation covering 75 per cent of employers, to the exclusion of most state and territory laws, including all employers in the territories and all commonwealth agencies. Some responsibilities remained with this territory, including the regulation of light work by children and young people, health and safety, and discrimination.

Under the workplace learning program in ACT schools, all workplace learning students, regardless of where they are placed, must be given the necessary information and support to understand workplace legislation. But of course there is necessarily a focus on federal industrial relations law as well. For example, it is important in the course of work experience that the person who is doing the work experience should get the main benefit from the arrangement. If a business or organisation is getting the main benefit from engaging the person and their work, it is more likely the person is an employee under commonwealth law. These are important matters that need to be pointed out.

It is clearly not the role of a territory agency like WorkSafe ACT, whose primary responsibility is to enforce the territory's health and safety and workers compensation laws, to then provide advice based on federal workplace relations law, although matters of health and safety may be relevant. And it is not their role in compliance to educate school students. Their focus should be on the capacity of employers to comply with ACT legislation through education, guidance and other assistance.

The role of educating, building skills and knowledge amongst working people about workplace legislation and workplace rights should be through community organisations that have this as a primary purpose. That is the role of organisations like UnionsACT, which has relevant expertise and knowledge on both ACT and federal legislation and which plays a role in our community in promoting workplace rights through a range of enterprises, including the retail and hospitality sectors in which many young people work.

The rationale for these types of programs, like the one delivered by UnionsACT, is well supported. In 2013 Paula McDonald, Robin Price and Janis Bailey conducted research on what young people know about their rights and obligations in employment. They found that young people know relatively little of their employment rights. Their conclusions underscore the need for education strategies that inform young people prior to and in the very early stages of their working lives.

That information about employment relations needs to be widely available through multiple channels so that young people can proactively seek information and, if necessary, take steps to enact their rights as valued participants in the formal labour market. The researchers also suggest that knowledge of employment practice entitlements could be integrated to a greater extent into high school curricula.

The Youth Coalition of the ACT reported that young people have a lack of awareness regarding their rights, workers compensation, taxation and anti-discrimination policies. They found that young people need to be actively involved with trade unions. This is consistent with the International Labour Organisation convention standards, to which Australia is a signatory, they say.

UnionsACT have also found that young workers are up to two or three times more likely to face a serious injury at work than the rest of the workforce and their research shows that half of all young workers 15 to 25 surveyed in Canberra have been employed in unsafe conditions. They also claim from their research that 70 per cent of young people have been bullied or harassed at work and young workers report fears and pressure from employers to not report unsafe practices. And 60 per cent of workers aged 18 had experienced bullying or harassment.

There are cogent reasons for young people to better understand their rights at work more broadly than their work experience placement. Their work experience placement is a good time to learn about these issues. Lack of awareness of existing employment law makes young people particularly vulnerable because they may be unsure of what wages and conditions to expect, and this can be exploited by dodgy employers.

In school, before young people begin to enter a lifetime of work—and it will be a lifetime of work now that the Liberals are pushing the pension age up—young people must have the confidence to stand up for their workplace rights from the beginning. I would like to quote former ACTU secretary Dave Oliver, who said:

Young people must be educated on their rights, what they should expect to be paid, what they can and cannot be asked to do by employers—these are the basic rights of all workers in our society.

What he said was backed by the *Canberra Times* in its editorial of 22 May this year:

In this climate, without the experience of years in the workplace or alternative jobs, these young people face a concerning situation made worse when some employers seek to take advantage.

This is also supported by the Youth Coalition of the ACT, which has found that young people as a whole are more vulnerable to unfair and illegal workplace arrangements such as unpaid work, sham subcontracting, below award wages and unfair dismissal.

This program in our schools has a strong foundation and I believe it has support in the community. In a letter to the editor of the *Canberra Times* on 6 July Mr Jim Dixon of Curtin said:

My child attended one such session at their school. Rather than the session being a recruitment exercise as is suggested in the article, my child was provided with information about safety, rights, entitlements and obligations.

They were advised that if there is a problem, talk to your work supervisor, your parent, your teacher or the Fair Work Ombudsman.

My child was not asked to join a union and no membership forms were provided to them. Rather than being upset about the session, I am pleased someone else is looking after my child's best interests.

What do the Canberra Liberals have to fear from young people knowing the law regarding work safety rights and obligations?

I'm glad someone took the time to provide my child this information. Thank you UnionsACT.

I want to conclude by saying that the ACT Labor Party and our government are proud of our connection to the union movement—actual people who work in different industries that make up our community. Not all unions are affiliated with the Labor Party—including unions that cover teachers, nurses, police, architects, engineers and scientists—but these unions are often represented by their peak bodies, which themselves are not affiliates of the party. But all unions stand up for the most vulnerable people, including young people, who predominately work in the retail and hospitality sectors.

The other side of this room could not care less that sneaky employers like the Southern Cross Club are proposing to cut the penalty rates of workers, including some of the youngest workers on the south side. I believe that Mr Wall moved this motion not out of interest in the quality of education being provided on employment issues in our schools but based on an ideological hatred of unions. And that is part of the Liberals' intergenerational attack on young people's rights at work.

I would expect nothing less from a Liberal Party that supports \$4 an hour jobs for young people and cuts to penalty rates and that continues to deny that there has been an increase in inequality in this country. I support UnionsACT playing a role in providing expert advice to young people on employment issues before they enter the workplace for the first time. That is why I will be supporting this amended motion today.

**MR WALL** (Brindabella) (5.07): Assuming that there are no other Labor members about to run through the door, I will seek to close the debate. It seems that there is consensus on one issue and one issue alone in this debate and that is that young people in schools have a right to learn about workplace health and safety. Where we differ is: who are the most qualified and most trusted individuals or entities to enter schools to deliver that training and that information session?

The fear and one of the biggest concerns I have here—and it stems from the questions that I asked of the minister for education during estimates—is that there seems to be no policy or framework in place to ensure that third-party organisations entering schools do not use that as an opportunity for recruitment. Those opposite have got a long history of seeing public schools in the ACT as a ripe opportunity to recruit members.

May I remind members of this Assembly of the actions of Ms Burch, earlier in her career, who thought it was fitting to hand out membership forms for ACT Labor as well as ACT Labor Clubs to students as young as 14 years. That is evidence that those opposite and the movements that they are affiliated with have long seen ACT public school students as recruitment candidates whilst they are in schools. And that is dismal.

Whilst there is an agreement that workplace safety and training in schools is important, the Canberra Liberals proudly believe that our schools should not be a political recruitment ground of any political persuasion—left, right or otherwise. They should be apolitical; they should teach students how to think, not what to think. It seems that those opposite do not believe in having safeguards around whether or not it is appropriate for organisations to come into schools to recruit or hand out membership forms or encourage participation in an organisation—union or otherwise; I am being even-handed here; this is about any organisation entering public schools. That is highly alarming.

Parents across the ACT should be concerned about the kinds of programs that are being delivered to these children in school without, first of all, I would imagine, parental consent or, more importantly, knowledge of the substance or the content of material being delivered. There are some highly questionable programs that appear in a number of ACT schools and I think that parents should take the opportunity to inform themselves and become more active and be aware of what their children are being exposed to. It seems those opposite seek to exploit young people in a captive setting such as a school. That is simply appalling. The opposition will not be supporting Ms Berry's amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Mr Barr	Mr Pettersson	Mr Coe	Mr Milligan
Ms Berry	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Ms Cheyne	Mr Steel	Mrs Jones	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## Answer to question on notice

### Question 320

**MR BARR:** I understand that after question time the Assembly passed a resolution seeking information from me in relation to a question on notice from a member of the opposition. I can advise the Assembly that the question from the Leader of the Opposition relates to government funding for the Canberra Business Chamber over a five-year period. It has been brought to my attention that the Canberra Business Chamber has in fact not been in existence for that period. So we have some difficulty in answering Mr Coe's question as it seeks information in relation to an entity that did not exist for a period of the question Mr Coe asked.

I can choose to interpret the question for the period that the Canberra Business Chamber was in existence. Mr Coe might provide some guidance by way of whether his question would then seek information on the entities that were in existence before the Canberra Business Chamber, because there was more than one during the time that he has sought information on in relation to government funding. Mr Coe also sought information on every area and every agency and every part of government in relation to an organisation that did not exist for most of the period that he sought information on in his question.

For those reasons, it is difficult for me to answer the question. I can seek to provide information for the years that the Canberra Business Chamber has been in existence. It is possible that Mr Coe may wish to resubmit a question in relation to the entities that were in existence prior to the establishment of the Canberra Business Chamber. From memory, that was the Canberra Chamber of Commerce and Industry and the Canberra Business Council, although there may have been other organisations that were drawn into what is now the Canberra Business Chamber.

It might be best for me to proceed with an answer for the years where the entity actually has been in existence, and then Mr Coe can submit a further question in relation to government funding for entities that now no longer exist. That would make it easier for the government to seek to answer his question. But that is the reason for the delay.

**MR COE** (Yerrabi—Leader of the Opposition), by leave: I appreciate the Treasurer taking nine weeks to come to this revelation. If he would like to provide information according to that assumption which he gave at the end, that is, since the organisation was established, then that is fine by me.

## Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent Ms Orr from moving the motion standing on the *Notice Paper* in Ms Cody's name, relating to gender equality in sport.

## **Sport—gender equality**

**MS ORR** (Yerrabi) (5.19): I move:

That this Assembly:

(1) notes:

- (a) the extensive commitments made by the ACT Government at the 2016 election to grow participation and equity for women and girls in sport and active recreation including:
  - (i) four-year elite funding agreements for the Canberra Capitals and Canberra United;
  - (ii) funding for female friendly sports infrastructure;
  - (iii) funding for initiatives to develop women and girls as participants and leaders at all levels of sport; and
  - (iv) a new online hub for women's and girls' sport and active recreation;
- (b) that funding provided in the 2017 Budget will provide for delivery of each of these commitments in the next four years, building on significant work already underway;
- (c) rates of participation in sport and active recreation in Canberra are the highest in Australia; and
- (d) the ability of sport to drive greater gender equity with benefits which flow into other parts of the community; and

(2) calls on the Government to:

- (a) continue to work with local sport and recreation organisations in the implementation of its gender equity in sport initiatives;
- (b) continue to explore new opportunities to further this program of work including the development of new strategies to increase the participation of women and girls at all levels of sport;
- (c) actively advocate for similar initiatives to be implemented at the national level;
- (d) continue to progress actions through the ACT Women's Plan to promote gender equity across the ACT; and
- (e) keep the Assembly informed, including through the annual ministerial statement on the status of women, about the progress of this work.

I rise to speak in support of this motion. This motion is timely, as it is an incredibly

exciting time in women's sport, and it is appropriate for the Assembly to reflect on this and the steps we have taken in assisting the progress made in recent years. The last two years have seen tremendous development in women's sport at an elite level. The 2015-16 summer of cricket saw the launch of the inaugural Women's Big Bash League, with players like Meg Lanning, Ellyse Perry and ACT Meteor Erin Osborne broadcast into our living rooms. So successful were the ratings that the Ten Network extended its coverage and shifted the telecast to its main channel.

In 2017 the AFL launched its inaugural season of the AFL women's competition. Across the competition Canberra was well represented, no more so than by former Canberra Capital Jess Bibby, who hung up her high-tops for a pair of cleats to join the Giants leadership group. Canberra also witnessed one of the first-ever games of women's footy, with the Giants taking on the Bulldogs at Manuka Oval. In 2017 we also saw the reconfiguration of elite netball in Australia, with a new national netball competition. The arrangements for the new competition doubled the minimum salary for players and raised the average salary to \$67,500. The significance of this in terms of women's right to wage equality cannot be underestimated. While this should be congratulated, we must recognise that there is still a long way to go, with many players having to maintain paid employment alongside their sporting activities.

So much has happened in women's sport recently that the ABC felt it was time to launch the first television sports program presented and produced by women. While it is frustrating that it took us until 2017 to do this, it does reflect the changing attitudes towards women. It is also an exciting time in women's sport in the ACT. In the W-League, Canberra United, who play their home games out at McKellar Park in my electorate, will later this year begin their defence of the regular season title. The team will no doubt be bolstered by the return of Hayley Raso, who has just played in the Matildas' first-ever win over team USA. I am looking forward to the start of the WNBL season as the Canberra Capitals continue to rebuild their squad. They have already made a number of signings, with Australian Opal Rachel Jarry and seven-time WNBL championship winner Natalie Hurst returning home.

The ACT government is committed to the ongoing success of these teams and their continued presence in the ACT. In this year's budget the Canberra Capitals will receive \$250,000 a year in funding, and Canberra United \$125,000. In addition, the ACT government will deliver on a promise to install a permanent basketball court at the National Convention Centre, bringing the Capitals into the city. The presence of these elite teams in the ACT has meant that Canberrans have been fortunate enough to see some of the greatest players ever to play these sports in recent years.

The Canberra Capitals and the AIS were home to basketball great Lauren Jackson for much of her career. Lauren Jackson is one of the best basketball players ever to have played. To list everything Lauren achieved in her basketball career would likely take the entire time scheduled for this debate. To then list the work Lauren has done outside basketball, particularly in and around the Canberra region, would likely force a dinner break this evening. To put things succinctly, however, throughout her career Lauren Jackson was compared with Michael Jordan, highlighting the fact that if she had been born a man she would be one of the best-known athletes in history, not to mention one of the richest.

Ellyse Perry came to Canberra United in 2009 and won the club player of the year award in her first season. Although she was only 19 at the time, Ellyse had already spent three years playing in both the Australian soccer and the Australian cricket teams. Let us just reflect on that for a moment. At age 16, Ellyse Perry was representing Australia internationally in two sports. Nowadays cricket—where she is arguably the best player in the world—has taken precedence for Ellyse.

The ACT government's commitment ensures that Canberra will continue to play host to athletes like Lauren and Ellyse. Ongoing support for professional sporting teams and venues in the ACT ensures that teams like the Canberra Capitals, Canberra United and the GWS Giants will remain in the capital. This means every Canberran will have the opportunity to witness some of the greatest athletes undertake their trade.

But it is not just a good look that Canberrans obtain from this funding. As we all know, elite sporting clubs do an incredible amount of good within our communities. Our athletes regularly offer their time to attend sports clinics, schools and hospitals to mentor, coach and inspire our youngsters. Earlier this year the Giants netball and football sides both played their first-ever home games in the ACT. The Giants have established Canberra as an academy base for both sports, with links to the Canberra Giants netball program and Canberra AFL. To demonstrate these links, both teams made themselves available for coaching clinics and to meet fans.

At such a pivotal time in women's sport these athletes act as role models for young women of Canberra. The advancements in women's sport today reflect the progress made in women's affairs more broadly. Our young women, whether they be professional athletes or playing in the thirds at their local club, will all continue to advance the cause that this generation of women and those who came before them progressed. For this reason it is also important that we continue to support sport at the grassroots level and continue to make it more accessible to women. As part of the implementation of the ACT women's plan, the ACT government held an education forum to identify practices within schools which promote or discourage girls' participation in sport and active recreation. The discussion identified how sports infrastructure can act as a deterrent to some women's participation. Seemingly small things such as poor lighting and bathroom facilities can have large impacts in discouraging young women from participating.

To begin to address these issues, this year's budget commences the next phase of increasing women's participation in sport through the implementation of the ACT women's plan. We are investing \$500,000 to help deliver more female-friendly sports infrastructure, enabling more women to take to the sports field. This approach can be seen in the recent redevelopment of the Gowrie oval amenities. Many of the projects funded through the community football infrastructure program will also adopt these measures, as will the design of the upgraded pavilion at Southwell Park and the forthcoming upgrades to Narrabundah ballpark.

This motion calls on the government to continue to work with the local sports community to continue to increase women's participation in sport in the ACT. This is something I am fully supportive of. As a member for Yerrabi, earlier this year I was

invited to attend Pink Stumps Day at the Bonner Royals cricket club. It was great to see so many local women involved in sport and to have a go myself, although I did only manage a few runs before being bowled out. For these women and for the young women coming through our schools, our female athletes are important role models. With a dearth of female superheroes, our women need real heroes to look up to—heroes like Canberra's Susan Pettitt, who I was lucky enough to see star earlier this year for the Giants netball team in their win over the Vixens.

As we invest in women's participation in sports here in the ACT, I cannot help but be excited that the investment we are making right now might play some small part in producing the next Susan Pettitt. This motion calls on the government to do just that. This motion calls on the government to help enable women to be the best they can be in their sport. It calls on the ACT to support these and the many other measures in place to continue the progression towards equality for women. I call on all members to support it.

**MR MILLIGAN** (Yerrabi) (5.27): In speaking to this motion today I call on the government to actually be serious about their commitment to women's sports, particularly at the grassroots level. Yes, we can see that there is great support for the elite sports teams such as the Canberra Capitals and Canberra United, but where this government is failing the sporting community, and not just women, is at the grassroots level. They have failed to provide adequate facilities for many years now—facilities such as an indoor pool at Stromlo; indoor sporting centres for Gungahlin, Belconnen and Woden; appropriate change rooms at various sporting venues; and for individual sports such as school diving.

Let me detail these failures further, beginning with the Stromlo pool. A feasibility study was published for the pool in October 2012. In 2015 the government published a further report advising the urgent building of this facility and other facilities in Gungahlin and Woden. Now, in 2017, the latest budget pushes the building of the pool at Stromlo out even later, with an opening date some time in 2020—and possibly even later still, going on past practice with this government. This means that from 2012, and of course well before then, till 2020 the people of Molonglo, Civic, Woden, and Tuggeranong have waited and will continue to wait for that pool—women, men and children. It will not include a dive pool and there is no discussion here of an indoor sports centre, though this was strongly recommended to be included in the facility.

This does not bode well for the Gungahlin indoor sports centre, also first promised in 2012. Last year the minister told the Assembly that a feasibility study would begin in early 2017. Earlier this year we were told that it was being conducted, yet the budget shows us that only now has money been allocated for this initiative—which we, of course, welcome. Besides misleading the Assembly and the people of Canberra, it yet again demonstrates the failure of the minister to appropriately administer this portfolio and deliver on important facilities which help with the participation of Canberrans in a cold climate. Then there is the lack of appropriate facilities, in many instances, for women. By this I am referring to change rooms, toilets and showers. The government's own report highlights the very basic and inadequate nature of these in many of the smaller venues throughout the ACT.

Let me give one example of the lack of recognition and support for smaller and non-elite sports by the minister. Late last year, the parents of a number of female junior divers registered to attend the public school games in December this year. According to them, the ACT School Sport Council finance subcommittee made the decision that it would take between eight and 10 students to compete in order to minimise their financial risk. Financial risk? This is a group that is completely self-funded. They were willing to cover all costs to compete on behalf of the ACT themselves—highly motivated young girls and boys who trained hard all year, despite incredibly adverse circumstances because of the lack of appropriate facilities here in the ACT to support their sport.

Despite their ongoing requests in letters to the minister, they will not be going. But then, they are not elite—or not yet. And now they will not have the opportunity to be elite performers. There is no support—not for their facility, not for their attendance at a meet and not for their participation at the grassroots level. We call on this minister to get serious in her support for women's sport, not just at the elite levels but also at the grassroots where it counts, for smaller sports as well as for the larger sports organisations, and to start actually making some inroads in delivering sporting facilities here in the ACT.

**MR RATTENBURY** (Kurrajong) (5.31): The interesting part of this debate is to reflect on how far women's sport has come in the last couple of years. It has been an exciting time for women's sport in Australia generally, and that is flowing through to the grassroots across the country. A great example of that is the way the AFL women's competition took off this year, and Ms Orr spoke about that at some length. We saw the inaugural season of the AFL women's league, which was, of course, the first time women were able to play AFL professionally. Canberra hosted one game of the inaugural season, when the Giants took on the Western Bulldogs at Manuka Oval. It was a terrific match. I was really excited to see how many young girls were in the crowd that night; there were a lot more females generally in the crowd compared to an average AFL match at a regular season game.

What is particularly exciting is that the local AFL women's competition has had a record number of participants this year following the success of the national women's competition with a record ten teams in the competition this year. That underlines the important role elite sports can play in inspiring people to participate, and in this case helping girls to see that they can play AFL. I fear in the past that has been a barrier and that simply not having role models has been an issue.

Similarly, rugby league in the local region is working very hard. The Canberra Women's Rugby League has made significant efforts recently to give women in Canberra an opportunity to play the sport. Canberra now has an open women's tackle competition designed to create a pathway for talented league players to a higher level of representation. I attended the women in league round at Canberra Stadium on 22 July, and it was great to see recognition of the history of women's rugby league in Canberra.

One thing I particularly like is that Canberra Region Rugby League is conducting a female engagement survey on how to best engage, respect and include females in all aspects of rugby league in Canberra. They are asking women what they can do to make rugby league more attractive to women. This is a very good initiative in simply asking the question, and they did it very openly. It is an online survey in which anybody can participate. It had a strong response on that day. They had only launched it 24 hours earlier and they had already had hundreds of responses. Clearly there was a bit of pent-up energy and a desire for people to participate in that sort of survey. I am sure it is not the only initiative they need to take, but I want to acknowledge that and put it out there for other sports to reflect on. Simply asking the question can be a great way to both get information and help break down some barriers.

There are still significant barriers to women and girls participating in sport, both in Australia generally but, of course, here in Canberra. There are simply fewer opportunities for women to participate in sports than men—the women's competitions are smaller and there are fewer pathways for women to pursue professional careers in sport. There are many reasons for this, but it is something we need to acknowledge as we seek to get a greater level of female participation.

Certainly at a professional level women are still paid much less than men and have less media exposure. This means women still have to work other jobs in addition to pursuing a professional sporting career. There is also the issue of media exposure, and Ms Orr spoke about some of the successes. In the last season or two we have really seen it take off for a couple of sports, but we have also seen a reduction in some areas. I have spoken in this place before about my disappointment at the cuts to the exposure of both the W-League soccer in Australia and the WNBL. That is a real problem for those sports because they need the cycle of exposure, therefore sponsorship, therefore young women seeing peers or role models playing the sport on television and wanting to be involved. These things are a vicious cycle, and the exposure of sports is a very important part of it. That is something that we are going to continue to build on. You can probably name a leading sportsman for just about every sport you can imagine. It is less so for many women's sports.

At a grassroots level there are challenges we need to continue to work on—things like having the appropriate facilities, be that good lighting for security, the opportunity for childminding and how that might work, and appropriate change rooms. These will not be an issue for all women, but for some women these will be barriers to participating in the sport of their choice or, in fact, participating in any sport. We need to ensure that the culture in our sporting clubs is inclusive of women. I am sure there are plenty of stories that can be told around this, but some sporting clubs have a bit of a blokey culture. Certainly research has identified the fear of being judged or ridiculed as a key barrier for young women wishing to be physically active. Again, there are plenty of anecdotal stories about the transition through the teenage years and young women for a range of reasons no longer wanting to participate in sport.

A whole bunch of challenges are out there. The fact that Ms Orr has moved this motion today is a good opportunity to reflect on some of these. I am encouraged by

some of the funding provided in the 2017 budget that will aim to deliver on some of the issues I have talked about today. I am very keen to support those initiatives, and I welcome the fact that Ms Berry, in taking on the sports portfolio, has brought a particular focus to women's participation in sport. In my own time as the minister for sport I was very supportive of it, but Ms Berry brings a new energy to it, and I wish her well in trying to promote this. I offer her my support in continuing to encourage female participation in sport.

There are many angles to the issue. Saying to young women, "Get out there and have a go," and telling them about some of the opportunities is one part of it, and it is something we can all do as members of this place. The Greens are very pleased to support this motion today. We know there is a long way to go in encouraging more female participation. We are right behind the initiatives that seek to do that.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (5.38): I thank Ms Orr for raising this important motion here today. I have spoken many times about sport and recreation in this place, highlighting the equalising effect that sport can have on different groups. It offers an important vehicle to improve equity and culture around gender across our community. But when we drill down and look at our participation data, despite a strong overall performance, it shows that girls often move away from sport in their teens. We need to make sure that we are working to reverse this statistic, if for nothing other than better health as these girls transition into adults. More than that, the government wants to create for these young women a lifelong love of active living and sports participation.

There are so many great leaders and role models in our local sports community, and the government knows that with their help we can reach out and empower more people to understand and embrace the need for gender equity. This has been a consistent priority of the ACT government and of mine. As members will know, the government took extensive commitments in this area to the election last October, and the 2017 budget put those commitments into motion. Unfortunately, the Canberra Liberals did not do the same thing and today, rather than talking about women's and girls' participation in sport, used the opportunity to talk about sport more generally. We know that work needs to be done to keep women and girls engaged in sport, and that is what the ACT government is committed to.

Most notably, the work of the ACT government includes establishing four-year funding agreements with both the Canberra Capitals basketball team and the Canberra United football team. These agreements are a major change to the way the government approaches elite sport, particularly elite women's sport. This is the first time that both these teams have had four-year funding agreements, which means that they can secure ongoing sponsorship outside of the ACT government's funding and it gives them better chances to get even more people involved in their sports. Yes, it is elite sport, but it is very important for women and girls to have women role models to look up to so that they can aspire at some point in their sporting careers to play for the Canberra caps or for the Canberra United women's football team. I am enormously proud of the government's work in supporting these two women's teams.

Also included in the commitments of the ACT government is a further \$1 million in this year's budget for programs that will work to encourage and empower women and girls at all levels of sport over the next four years. The buy-in of the Canberra sports community around this work has been great, and I have no doubt that they will keep pushing ahead for positive change. The government looks forward to working with them as these initiatives are implemented.

I have pointed to the fact that the government's work in the sport portfolio is part of a broader picture. The ACT government continues to lead reforms for gender equity in health, equal rights and domestic and family violence. We are committed to continuing work on building the most inclusive and equitable city that we can. Just recently I launched the women's action plan, which outlines a range of actions the government will deliver under the theme of health and wellbeing. Clearly, sport and recreation has a connection to that work as it contributes to social inclusion, safety, health and the wellbeing of ACT women.

As you chat with people across different sports and different walks of life there is a real understanding of the chance to embrace these opportunities. The full participation of women and girls in all aspects of our society is critical to the wellbeing of the whole community. It is also important to have more women sitting at the decision-making table. ACT government-appointed boards are sitting at about 48 per cent of women's representation. This is not accidental; it is the result of tangible measures taken by the ACT government over a number of years. Diversity in leadership creates greater innovation and thought that leads to significantly improved governance and organisational performance.

Despite the positive changes to women's status and roles made over the last century, gender inequality persists in our community. This includes women's representation in senior leadership positions, such as boards. We know that, more broadly, gender disparity in leadership roles perpetuates existing stereotypes about the role of women, both at work and in our community. Having more women in leadership positions not only inspires and encourages other girls and women to participate but also sustains women to continue in such roles.

We also know that having more diversity on boards is better for business. Research recently into how to improve gender parity on boards, undertaken by Deloitte in late 2016, states that:

Put simply, boards perform better when they include the best people with a diverse range of perspectives and approaches within an inclusive culture.

Having more women on boards makes good business sense for the organisation and, I would argue, for the whole community. For many years now ACT government appointments have been drawn from the women's register, a collection of names of women seeking board appointments. The government is currently developing an ACT diversity register, which will merge with and ultimately replace the ACT women's register.

The diversity register will promote the participation of women and people with diverse experiences on boards and committees through connecting people with opportunities. This includes people with a disability, people with culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander people, and people that identify as lesbian, gay, bisexual, transgender, intersex and queer. The diversity register will support all boards and committees to increase their female representation. This will be particularly useful for boards and committees in traditionally male-dominated areas. There are many, as we know.

In addition to improving this functionality, the government will pursue options to better promote the use of the register and engage women from a broad range of backgrounds, reaching organisations across different industries, including historically male-dominated fields. To complement this work, the government is also investing in options to promote forms of support, including training, mentoring and networking opportunities, to assist women to gain the skills and confidence to apply and be successful in securing board positions.

Ms Orr's motion calls on the government to continue to progress action through the ACT women's plan to promote gender equity across the ACT. The ACT government will continue to promote the participation of women in sport through the ACT women's plan 2016-26. The first action plan focuses on health and wellbeing and includes a number of actions specifically related to women and girls in sports and active lifestyles, including to: establish a baseline of data relating to participation in sport and active recreation by young women and identify barriers and possible solutions to increase rates of active participation; hold an education forum to identify practices within schools which promote or discourage girls' participation in sport and active recreation; develop a communications strategy to raise awareness of the impact low activity has on women's and girls' health and wellbeing; and engagement of high profile sportswomen to promote the benefits of being active and strong in schools. A cross-directorate working group has been established to oversee the implementation of the first action plan and an annual progress report will be released at the end of this year.

These are just a few of the key initiatives in a far-reaching program of work towards gender equity in the Canberra community. I thank Ms Orr for bringing this motion to the Assembly. For the information of members, the WNBL has signed a contract agreement with Fox Sports, and one game each week will be played on Fox Sports. That is a great chance for women's sport to be viewed not just at the basketball court but also on our TVs. This is a fantastic step forward for women's sport in the ACT and across the country. I again thank Ms Orr and support the motion in the Assembly.

Question resolved in the affirmative.

## **Private members' business—notice No 7**

### **Lapse of notice**

*Upon notice No 7, private members' business, being called on and the member not being present, pursuant to standing order 127, it was withdrawn from the notice paper.*

## **Standing orders—suspension**

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

That so much of the standing orders be suspended as would prevent Mr Coe from moving notice No 7 on the *Notice Paper*.

## **Icon Water—accountability**

**MR COE** (Yerrabi—Leader of the Opposition) (5.50): I move:

That this Assembly:

(1) notes:

- (a) the ongoing and secure supply of water and power are integral to modern life and that appropriate, effective and commercially sound practices of the suppliers of these services are in the best interests of Canberra;
- (b) the essential service provided by Icon Water to the ACT community, and that its methods of operation impact both residential and commercial consumers;
- (c) that Icon Water is a wholly Territory-owned corporation, and is subject to reporting and transparency requirements, including:
  - (i) freedom of information requests;
  - (ii) annual report hearings;
  - (iii) estimates hearings; and
  - (iv) auditing by the Auditor-General;
- (d) that the inclusion of Icon Water in these government accountability processes presupposes that Icon Water should be subject to a high level of scrutiny and through its involvement in these procedures should not only provide information upon request, but also proactively disclose information that would be in the public's interest;
- (e) that there is concern that Icon Water is seen to be protected or exempt from rigorous public scrutiny by virtue of its unique standing as a private corporation, despite being wholly Territory-owned;

- (f) that the shared services agreements between Icon Water and ActewAGL valued at nearly \$300 million over 11 years were only revealed and scrutinised publicly after the Canberra Liberals uncovered the existence of the agreements in the course of the estimates process;
  - (g) that Icon Water admits it did not take the contract out to tender or ask for expressions of interest; that Icon Water has asserted it did not have an obligation to take the agreements to market; that the agreements have not been reviewed by the Government; and that Icon Water has declined to provide answers to fundamental questions about the agreements based on the content being commercial-in-confidence;
  - (h) that the Territory through its directorates, agencies and authorities, regularly enters into and reports on contracts with terms that are commercial-in-confidence, and is able to both proactively publish and specifically provide information upon request; and
  - (i) that while some terms of the agreements between Icon Water and third parties may be commercial-in-confidence, the existence of such contracts are not; and
- (2) calls on the Government to table the Customer Services and Community Support Agreement, and the Corporate Services Agreement between Icon Water and ActewAGL for public scrutiny.

I thank the Assembly for its indulgence in the suspension of standing orders. In the agreements that are the subject of this notice we have found another example of a lack of transparency, accountability and integrity—another example of the backroom deals that I think contravene best practice in procurement policy and principles. It is another example of turning a blind eye to what should be best practice from this government and the entities that it owns.

During estimates, the Canberra Liberals uncovered the existence of two shared services arrangements between Icon Water and ActewAGL. These contracts, valued at around \$300 million, were entered into without expressions of interest, without putting the contracts to tender and without market testing. They were entered into without financial penalty for underperformance and non-performance, without adhering to the normal procurement protocols and without any kind of government or internal scrutiny.

The government could have scrutinised these agreements in 2011 but, unfortunately, they failed to do so and we are all paying the price. ACTEW Corporation, now Icon Water, notified the Labor government on 23 September 2011, advising that a review was underway to reintegrate the water and sewage business into ACTEW Corporation. The minutes from the ACTEW Corporation board meeting on 19 September 2011 indicated that the corporate services provided by ActewAGL since 2001 would continue under these new agreements.

Another opportunity for scrutiny arose in 2012, which the government again failed to act upon. The Treasury was informed in a letter on 15 May 2012 that the transfer of the water and sewage business was expected to occur on 1 July 2012, and the conditions included the continuation of shared services. At no point did the government probe Icon Water on these arrangements. These procurement issues could have been scrutinised from the very beginning. However, the Labor government chose not to go down that path of transparency and accountability. Instead, it has taken the opposition to actually uncover these agreements and ensure that the issue of probity is on the table and is being discussed.

There are questions regarding the agreements and there are questions surrounding the reluctance of Icon Water to be subjected to public scrutiny. There has been an unwillingness on the part of Icon Water and the Labor government to supply fundamental information about these arrangements. Icon Water has refused to provide the exact current value of the contracts; basic details on key performance indicators and reviews; a breakdown of the services provided; and further details on increases and total cost of the contracts, citing that they are commercial-in-confidence. Let me reiterate: Icon Water are refusing to provide the exact current value of the contracts. It is outrageous. They are wholly owned by the ACT government and they are refusing to say how much they are paying ActewAGL.

I draw the Assembly's attention to the fact that the territory, through its directorates, agencies and authorities, regularly enters into and reports on contracts with terms that are commercial-in-confidence and is able to both proactively publish and specifically provide information upon request. Why is it that every other government agency can publish the value of a contract yet Icon Water refuse to do so? The vague answers received under questioning by the Canberra Liberals not only are evasive but also demonstrate a problematic reluctance of a wholly owned territory body to submit to public scrutiny.

Icon Water and the Labor government have asserted that Icon Water's standing as a private corporation exempts them from a high level of scrutiny. During the estimates hearing on 3 July 2017, Minister Mick Gentleman said Icon Water "is not a government entity". The Managing Director of Icon Water further emphasised "the reality is we are not a government business so we are not obligated to answer the question that you are asking".

It appears that both the minister and the managing director have forgotten that Icon Water is wholly owned by the territory and that the Assembly has a right to scrutinise its decisions and actions. Icon Water is subject to freedom of information requests, annual report hearings, auditing by the Auditor-General and estimates hearings, during which the two agreements came to light. If they are not a government entity, why are they subject to all those Assembly and government processes? Being involved in these processes, the same processes as every other territory body, presupposes that Icon Water should be held to the same standard as every other government-owned and run entity.

Icon Water has stated that the government have never reviewed their procurement framework. The procurement framework has never been requested by the voting shareholders—the Chief Minister and the Deputy Chief Minister. Instead, the Canberra Liberals have been the first to actively and publicly request and examine this document.

**Mr Barr:** Not the shareholders' role.

**MR COE:** And the Treasurer.

**Mr Barr:** The minister for water.

**MR COE:** The minister for water. While Icon Water are not bound by the Government Procurement Act, I refer to their procurement policy, which outlines that contracts over \$250,000 are considered high value and that these major and strategic procurements are managed via a tailored procurement plan. The key components of major and strategic procurements include: request for quote or request for tender documentation; a market approach; the development of an evaluation plan; and evaluating and assessing offers. These steps were not undertaken for these two contracts, with a combined value of about 100 times the stated threshold.

Madam Speaker, they have a process in place for contracts over \$250,000. Here is a contract worth about \$300 million and they did not follow it. That should be of concern to the board. That should be of concern to the shareholders. In estimates on 3 July 2017 the managing director stated that Icon Water was “not under an obligation to go out to market”. There was no request for quote or tender. There was no market approach. There was no evaluation and assessment of offers. What is the point of having a procurement policy if it is completely discarded when undertaking contracts worth hundreds of millions of dollars?

Here we have a contract that is extremely high value with a clear conflict attached. This is one situation where you would expect the strictest compliance with the procurement policy; instead, Icon Water have failed to follow their own stated procedures and utterly abandoned all notions of probity and independence. While Icon Water's actions are not illegal, they are not consistent with their very own stated procurement principles and protocols. The Icon Water procurement policy clearly states:

Goods and services should be acquired via a competitive process. Competition avoids any suggestions of favouritism. It also helps promote efficiency and economy.

Despite the extolling of ethics and probity, Icon Water admitted that they entered into these agreements without complying with their own stated framework. However, there was an agreement in principle that there would be no material disadvantage between Icon Water and ActewAGL. In the words of the managing director, “It was never entertained that the agreements would be taken out to market.” I repeat: it was never entertained that the agreements would be taken out to market. Icon Water have confirmed there is no written evidence of this concept—

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

**MR COE:** Icon Water have confirmed that there is no written evidence of this concept within the contracts. However, it appears to be the driving motivation for why these agreements came about. Let me reiterate that. Icon Water and ActewAGL have some form of gentleman's agreement to look after each other but it is not actually written down anywhere. And that is the driving force for this contract. In estimates on 20 June the managing director admitted that, if the agreements had not been made, ActewAGL would have been laying off a substantial number of people. When pressed, the managing director agreed that Icon Water does not have a mandate to protect the jobs of ActewAGL but then further purported that the agreements were in the best interests of price and the Icon Water customer.

I would submit that the claim that these agreements represented the best value and best interests of Icon Water's customers is not able to be evidenced by the due diligence you would expect in a contract of this magnitude. If there is no evidence of market testing there can be no claim that these agreements represent the best interests and best value for Icon Water. In fact, the union that covers Icon Water's engineering and technical staff, Professional Services Australia, has publicly criticised the deal. In a recent *Canberra Times* article, Professional Services Australia identified that Icon Water cut a quarter of its staff after saving positions at ActewAGL.

By virtue of the services ActewAGL provided at the time, there is an entrenched, vested conflict of interest, both for ActewAGL and Icon Water respectively. To avoid this conflict, Icon Water should have, at the very least, independently market-tested before any agreement was struck. Instead, Icon Water accepted that an objective of the agreements was to preserve positions within ActewAGL, to the possible detriment of Icon Water. Icon Water does not have a mandate to look after ActewAGL. Icon Water has a mandate to serve the people of Canberra and to serve the ACT government.

The question remains: why was a contract of this scale not put out to tender when, according to Icon Water's own procurement policy, contracts valued above \$30,000 require a minimum of two written quotes? Icon Water has said that the value of both contracts was \$24.2 million per year at the time of signing in 2012 but has stated the annual cost will escalate by CPI broadly over the duration of the agreements. The cost of these contracts has increased to an additional \$3 million annually since its commencement, we believe.

Icon Water has advised that the value of the customer services and community support agreement is approximately \$7 million, while the corporate services agreement is now in the vicinity of \$20 million. Only two territory directorates paid near that amount for shared services. However, if we examine a comparably sized body, in 2015-16 the Environment, Planning and Sustainable Development

Directorate, with 307 staff, paid \$6 million for shared services. Then again, approximately 80 per cent of Icon Water's employees are either fully or predominantly field based. If we look at other agencies with primarily field-based positions, we find ACTION, with 859 staff, paid \$1.9 million for shared services in 2016-17, which begs the question why Icon Water, with 388 full-time equivalent staff, paid a staggering \$20 million. The Labor government has brushed aside legitimate questions regarding value for money.

The opposition has been judicious in dealing with this issue. We have pursued information through the estimates process and through correspondence with Icon Water. We have still not been provided with essential information relating to the two shared services agreements.

It is also, of course, important to note that, whilst Icon Water has this so-called mandate to prop up ActewAGL, the other 50 per cent owners of ActewAGL are not propping up ActewAGL in the same way. In effect, by the ACT government, through Icon Water, putting \$27 million a year into ActewAGL, they are giving a portion of that inequity to the non-government owner of ActewAGL. They are, in effect, propping up the other 50 per cent owner of ActewAGL. That is wrong. It is wrong for the taxpayer to do that. We believe it is vital that all the information about this agreement become public, and that is why we have moved the motion today.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (6.06): I move:

Omit all words after paragraph (1)(c), substitute:

- “(d) that the inclusion of Icon Water in these government accountability processes provides a high level of scrutiny and allows for the disclosure of information that is in the public's interest where it does not unreasonably impinge upon the corporation's operations as a commercial entity;
- (e) that the relationship between Icon Water and the ACT Government differs fundamentally from government directorates, in that Icon has a board and management which intentionally operates on a commercial footing;
- (f) that in order to ensure effective commercial management of Icon Water, its shareholder Ministers provide approval only on a narrow range of significant decisions such as board appointments and major purchases or divestments;
- (g) that the services provided to Icon Water under its current corporate and customer services agreements are not matters that fall within the scope of these arrangements, and that these contract arrangements are further not subject to the ACT Government's procurement rules because of Icon Water's status as a commercial entity;

- (h) that Icon Water's current corporate and customer services agreements represent contracts with a third party which contain significant commercial-in-confidence elements, and that their full release may impact on the legitimate commercial activities of that third party;
- (i) that the shareholders will use their limited powers of direction to request that the company's board and CEO review these agreements to determine what elements can be released to the public without compromising their commercial confidentiality; and
- (j) the shareholders will notify Icon Water's board and CEO about the ACT Government's expectations regarding contestability and value for money ahead of the expiry of the current contract in 2023, and request the board and CEO take appropriate steps to address these expectations ahead of entering into new service agreements."

Icon Water is a territory-owned corporation and has a board and a management executive that are appointed to run the company on a commercial basis. The Territory-owned Corporations Act specifically states that such companies should operate at least as efficiently as any comparable business and maximise sustainable financial returns to the territory.

Icon Water currently has agreements in place with ActewAGL for the provision of both customer and corporate services. Services delivered under the customer services and community support agreement include meter reading, consumer/customer billing, customer account management and support. Services delivered under the corporate services agreement include the operation of a 24-hour-a-day, seven-day-a-week, 365-day-a-year emergency contact centre, an ICT management contract, including hardware, software and support, human services and payroll management and a range of tax, regulatory and procurement services. These agreements were first initiated under the Carnell Liberal government as part of the privatisation of the then ACTEW Corporation in the year 2000. They represented at that time a continuation of the functions and corporate services then provided by the company.

I am advised that there have been some negotiated variations to the agreements to reflect changing circumstances since the Carnell government established these arrangements in the year 2000. The agreements have continuously reflected the particular service requirements that are unique to the utilities sector and an intention to ensure the ongoing provision of cost-effective and high quality services for ACT consumers of these essential utility services.

,The Leader of the Opposition has given some commentary that Icon Water perhaps should have procured some or all of these functions from Shared Services within the ACT government. This is obviously not a feasible arrangement for Icon Water, firstly because they are not an ACT government directorate but, perhaps more importantly, Shared Services does not provide the wide range of services that are currently procured by Icon Water through that agreement, particularly—and I note particularly—the customer facing services. We do not have a billing and meter reading function within Shared Services. These are specialised arrangements that are not currently provided.

To come directly to the point why Icon Water has not released documents in full, the company's management has consulted the third-party provider who delivers these services under the agreement and has determined that significant elements of them are, as the Leader of the Opposition has indicated, commercial-in-confidence, that is, these documents contain information that is commercially sensitive to the provider, clearly regarding, and particularly regarding, its service delivery model and of course its cost to serve.

Nevertheless, Icon Water's board and management will review the agreements in question and determine whether there are sections which can be released that do not impinge on commercial confidentiality. This is properly a decision for the board and management to make and is not one that members of this place are in a position to determine, because we are not involved with the day-to-day running of the company.

As shareholders, the minister for water and I will make clear to Icon Water's board and management the expectations that we have regarding value for money that are implicit in both the legislation that governs this organisation's operations and indeed their own procurement guidelines as they relate to the procurement of services.

It goes without saying that all commercial firms seek value for money across their operations but we will remind Icon's board and management that there is a higher standard required of publicly owned companies that they should be held to and we will particularly request that they examine how they best meet these expectations when entering into new contracts beyond 2023.

In accordance with the amendment that I have moved to this motion, we will formalise these requirements with the Icon board. I specifically refer to those that are contained in (i) and (j) of the amendment that I have moved. This is again an appropriate response to the issues that have been raised but I do note that these agreements commenced under the Carnell Liberal government when what was a 100 per cent publicly owned asset was partially privatised. The extent to which the now leader of the Liberal Party seeks to bring back fully into the public sector, effectively, through the comments he has made in relation particularly to the joint venture, if that is—

**Mr Coe:** No, just go to market. That is all we are asking. Go to market.

**MR BARR:** The opportunity to go to market is there in 2023. In that context, if that is all that the Leader of the Opposition is asking, that is entirely reasonable and that is what I have just indicated that the shareholders will require of the board in 2023.

**MS LE COUTEUR** (Murrumbidgee) (6.12): I was a member of the estimates committee, which is where this issue first came up, and I am sure that many witnesses at the estimates committee privately think to themselves that the estimates process is a huge amount of work and probably not really worth it. But the operations of government are very large and complex. There is no way that Ministers, MLAs and/or

the public can get across every contract and every process, especially when we get into contracts being negotiated and managed by government-owned business entities that work at arm's length from the government, and that is where estimates scrutiny comes in. I think that cases like the Icon Water-ActewAGL agreements really show the value of the estimates process.

Perhaps the agreements are best practice and highly cost effective or perhaps they are a cosy relationship with excess costs being passed on to ACT consumers. And this is a critical issue. The amount here is large. We are talking about agreements worth almost \$300 million over 11 years. If that amount is inflated, it is a direct transfer of money from the ACT's water users, which is all of us. And that of course is totally unacceptable.

But it goes further than the money. At the estimates hearings we heard that, while the agreements have performance indicators that ActewAGL have to adhere to, there is no financial or other penalty for not meeting them. And this is really a bit of a worrying sign, because best practice in contracts these days does include financial penalties for underperformance. In Victoria the private bus companies delivering metro bus services can be penalised if too many services do not run. I know, from talking in estimates about the construction of the law courts, that there was a time penalty in that contract; if it is not built, it will cost. It would be quite reasonable that ActewAGL also has some performance hurdles in its contract.

Looking at Mr Coe's motion, the only way to find out whether these agreements are good or bad is through external scrutiny. When I saw Mr Coe's motion on Monday, I thought, "Yep, let's support it. Anything that is too commercially sensitive can be redacted." In fact, I thought that Mr Coe's motion was gentler than it could have been, and, while it meant some political credit for the Liberals, that in the circumstances, of course, was appropriate.

However, matters are often much more complicated than they seem at first blush. I was expecting that this would be a fairly simple matter, much as when the Assembly recently called on the government to provide a large number of LDA documents on the Dickson Tradies land swap and the government provided them. However, I have been told by the government that that is not the case with Icon Water because of the government's arm's length shareholder relationship.

I do not, however, think that the territory-owned corporation status should mean that we do not have the issue aired in public. I also do not think that the territory-owned corporation status should automatically mean that documents are hidden. Yes, Icon Water operates commercially but it is still 100 per cent territory owned. This legitimately brings with it requirements that do not apply to private companies. As item 1(c) of Mr Coe's motion says, Icon Water is subject to reporting and transparency requirements. This includes freedom of information requirements, annual reports, estimates hearings and scrutiny by the Auditor-General.

However, hopefully correctly, I will take the government's word on it that Mr Coe's motion, the thrust of which I support, needs to be done in a different way and therefore I am supporting Mr Barr's amendment.

There is another element of the amendment that I am very pleased about: the last item, because it actually goes further than Mr Coe's motion and addresses the underlying issue of the procurement process for the agreements. This is a key part of the agreement for me. It is something that the Greens worked on with the government and was critical for our support for the amendment.

The reality is that, whether or not the arrangements are currently good or bad, they have been put in place and they have to be implemented. But going forward, Icon Water is a 100 per cent territory-owned corporation and is ultimately responsible to its owner, the territory. The shareholders, as representatives of the territory, have an obligation to ensure that Icon Water follows, at the very least, normal practice with regard to market testing and making sure there is value for money in contracts.

On my reading, the last item of the amendment is quite sensibly worded and I think that any sensible board member will read it and get a very clear message: do better in 2023.

**MR COE** (Yerrabi—Leader of the Opposition) (6.17): I am of course disappointed with the outcome of today's motion. It is not going to necessarily see the provision of this document. I struggle to comprehend that it is not within the purview of this place to demand that this document be published. I am really struggling, especially given the fact that they are subject to the Freedom of Information Act and they come before this place through the annual reports process, through the estimates process and through the annual report hearings process, that we cannot request this. Quite frankly, even if it is marginal who is going to be taking this issue to court, the ACT government should seek to test this in the form of the current motion.

I think it is extremely disappointing. The government obviously have a reason why they do not want to release these documents. I think that there is likely to be more to be revealed about the content of these two documents and also about the circumstances around their signing. I have it, I think on reasonable authority, that there are some twists and turns still to come with regard to these documents, if we are ever able to actually see them.

I do not think it is best practice. I think it is outrageous that Canberra households have to pay considerably more for their water bills to accommodate what is a terrible arrangement. It is all very well for Mr Barr to talk about independence and commercial operations but I do not know any companies whose shareholders would allow them to pay perhaps 10 times the price of a service that should be in the vicinity I think of more like \$3 million. It is absolutely outrageous that Canberra taxpayers are being duped in this fashion by the ACT government.

I am very disappointed that the motion is not getting up but the Canberra Liberals will continue to be vigilant in seeking these documents because I think we owe it to Canberra taxpayers and to all users of water in the territory to make sure that we have a much better understanding of why the \$30 million annually deals have been done.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## Adjournment

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

That the Assembly do now adjourn.

## Neurofibromatosis

**MS CHEYNE** (Ginninderra) (6.21): It's a bird! It's a plane! It's the NF Mega Heroes! It was quite a sight on 23 July. Canberra's very own superheroes flocked to Lake Burley Griffin decked out in gold capes. They had a single mission: to join the NF Mega Hero March to raise awareness for neurofibromatosis. Neurofibromatosis is a term used for three genetic disorders that can cause tumours to grow on nerves throughout the body. They are NF1, NF2 and schwannomatosis.

These can be inherited from a parent or develop by chance due to a spontaneous change in an egg or sperm cell. NF1 is the most common of the three disorders and occurs in about one in 3,000 people. It can lead to growths on or under the skin. These growths usually are not cancerous but can lead to learning difficulty and the softening and curving of the spine and bones.

NF2 and schwannomatosis can lead to the development of benign tumours on nerves throughout the body. NF2 can lead to hearing loss, cataracts and eye abnormalities. Schwannomatosis can cause intense pain that is difficult to manage. Most people suffering from these disorders have near-normal life expectancies. But sadly some develop complications like blindness, bone abnormalities, cancer, deafness, disfigurement, loss of mobility and disabling pain. These conditions can make everyday tasks a challenge and may shorten a sufferer's life.

Unfortunately, NF is not very well known. I had not heard of it myself until I was approached at one of my shopping centre stalls and also realised that was the condition being spoken about on one of the episodes of the TV show *You Can't Ask That* on the ABC. Madam Speaker, you may be surprised to know that it is actually as common in our community as cystic fibrosis. Like cystic fibrosis, NF is a lifetime condition with no known cure. That is why events such as the NF Mega Hero March are such important opportunities to raise awareness of NF and to fundraise for research.

The Children's Tumour Foundation organised the NF march in seven cities around Australia to increase awareness of NF. So far they have raised over \$49,000 to help support people diagnosed with NF, including children. The march recognised the superhero courage and determination of those who are living with NF, and their families. The event in Canberra was organised by Carey Russell and Brian Shaw and was held on 23 July. I was very honoured to be an ambassador. Canberra's gold-caped mega heroes walked 10 kilometres around Lake Burley Griffin, although some of us did just five.

Over 70 people participated in the event, demonstrating our community's support for the heroes who battle NF every day. This was an amazing achievement for a first-time event. I understand that the turnout in Canberra was the biggest of any of the seven cities in Australia. Participant Cameron Elliot made an extraordinary contribution, the highest amount of money raised in all of Australia. On behalf of his daughter, who suffers from NF2, he pledged to add an extra kilogram to his backpack for every \$100 he raised. On the day, he carried an incredible 66 kilos on the 10-kilometre walk, raising an individual total of \$6,600.

The NF Mega Hero March showed me that superheroes are real and they live among us. I was honoured to be an ambassador and to walk among those who have NF and their supporters to help raise awareness of this important disease.

### **HerCanberra—women's achievements**

**MS LEE** (Kurrajong) (6.25): Yesterday my Assembly colleague Tara Cheyne spoke in the adjournment debate about the future generation series, the 17 faces to watch in 2017 published by HerCanberra. Like Ms Cheyne, I too was honoured and humbled to be included in this list. As Ms Cheyne spoke about five of those amazing women, I thought that tonight I would acknowledge the other women in this feature, because I am sure, as members will agree, they are all inspiring our next generation of women leaders, and that can only be a great thing.

The women include Tara Boulding, who is a member of University of Canberra's research team developing new treatments for breast cancer, including innovative therapies to improve patients' quality of life. Hayley Teasdale, who is about to complete her PhD in Parkinson's disease research, is pioneering a type of non-invasive brain stimulation to help sufferers regain their balance. She does this while undergoing on a regular basis her own plasma transfusion for a debilitating disease she suffers. It is little wonder that she was a finalist in the 2017 ACT Citizen of the Year and the 2017 ACT Young Woman of the Year.

Originally from the UK, Lucy Poole has had a number of influential senior positions within the Australian public service and is acknowledged for her work in creative solutions for reform and renewal of the APS, not a job for the faint-hearted. We are blessed in the ACT with talented graduates of our own education system. Charne Esterhuizen and Chelsea Lemon are just two of our great next generation of leaders. Charne is using her training through CIT to use 3D printing technology to make clothing. She has her own clothing brand MAAK and has shown at two Fashfests, as well as making an appearance on the catwalk at Vancouver Fashion Week.

Chelsea Lemon, a visual arts honours graduate from ANU, is already winning critical acclaim and industry awards for her furniture designs. Queen of the blondes Lexi Bannister is a big name in the highly competitive hairdressing industry, having worked at New York Fashion Week and on the set of former New South Wales Premier Mike Baird's favourite reality TV show *The Bachelor*.

I think it is fair to say that Canberra is a city of foodies. If you can make it here in the food industry you are doing pretty okay. Some would say that even more discerning foodies live in Melbourne. So for Ute Pikler to be head chef at several named Melbourne restaurants, she is doing more than okay. Canberra is the real winner here, though, because Ute has now opened her own restaurant, the well-regarded Vincent, in my own electorate in the suburb of Barton.

Hannah Wandel founded Country to Canberra in 2014, bringing young rural women to Canberra to connect them with female role models and mentors. She is a World Economic Forum global shaper, a UN Youth and Gender Equality Taskforce member and the youngest ever director of the National Rural Women's Coalition.

Those of us in the Assembly and in ACT fitness circles would know that I am an enthusiastic fitness instructor and try to teach a class or two on the weekends. So I particularly admire and am in awe of some of our sportswomen. Ellie Brush is a qualified physiotherapist already recognised for her football talents as captain of the Canberra United women's team and as an international women's soccer star signed to a US team in Houston. If that was not enough, she also plays representative AFL.

We are proud to call Alison Plevey—dancer, choreographer and educator—originally from Western Australia, a Canberran who brings dance to non-traditional theatres and spaces and who recently founded the Australian Dance Party.

All these women, along with those that Ms Cheyne spoke about yesterday—Indigenous leader and Fulbright scholar Dr Jessa Rogers, boxer and proud Muslim woman Bianca “Bam Bam” Elmir, our lifestyle and social media influencers Gina Ciancio and Tanya Hennessy, and equality advocate Caitlin Figueiredo—are role models, not just for other women, not just for girls, but for our entire community.

Their talents are without question. Their commitment, their motivation and their resilience remind me that although I am privileged to be in a position of influence and leadership, it is women like these that give me inspiration to encourage the next generation of women leaders to strive for their goals. There are so many other inspiring Canberra women that could have been and should have been included in that list. To all of them I say thank you and keep doing what you are doing.

### **Missing Persons Week**

**MRS JONES** (Murrumbidgee) (6.30): This week is Missing Persons Week, an event to raise awareness of the significant issues and impacts associated with missing persons. Beginning in 1988, and now an annual event, Missing Persons Week seeks to reduce the incidence of missing persons in Australia and seeks to support those suffering from the impacts of missing a person.

Last Sunday I was privileged to attend the church service at All Saints' Anglican Church in Ainslie to mark the launch of Missing Persons Week. The church service

was conducted by the Reverend Lynda McMinn, various other clergy and the AFP's Reverend Gayl Mills. During the service, we turned our minds to those who are missing, to those who love them and to those who search for them. We continue to keep these people in mind throughout Missing Persons Week and throughout their struggle.

Missing Persons Week has had many different themes over the years, including in 2000 "If you're missing, someone is missing you"; in 2002 "Find a way to say you're OK"; in 2005 "Talk, please, don't walk"; and in 2009 "Not knowing is like living in darkness". This year's theme is "Still waiting for you to come home". These themes highlight the many different factors at play when a person goes missing.

Of course there is concern for the missing person. Are they alive? Are they safe? Are they mentally well? While many missing persons do come back eventually, the concern for their lives is phenomenal. There is concern for their family and friends. They are living through a life of uncertainty. When a loved one goes missing, many more than one person's happiness is lost.

We must also think about those who search for them. I offer my thanks to our police personnel, who work tirelessly to find missing Canberrans, and to the many volunteers and community members who devote their time to help find a missing person. My heart goes out to all those suffering and to the communities who support those affected by missing persons, when most people do not know what that is like. You are all in my prayers this week.

This Missing Persons Week, I encourage all people to keep an eye out for and to keep in your thoughts those who are lost and those who are suffering from loss. I also encourage everyone to thank the many people who have devoted themselves to finding missing persons. I hope that by the next Missing Persons Week fewer people will be suffering from missing a loved one.

### **Mrs Joan Mary Kellett OAM**

**MS LAWDER** (Brindabella) (6.32): I rise today to inform the Assembly about the recent passing, on 20 June this year, of a fine Canberran, Joan Mary Kellett OAM. When I read of Joan's passing, I thought it important to share a little about her. Joan's obituary describes her as "a loved and loving mother, grandmother, aunt and a special and good friend". Joan's obituary goes on to say that Joan was passionate about her home, Canberra, contributing significantly to the community. Joan's impact on Canberra was so significant that she featured in a number of different media appearances.

On the ABC program *Stateline* a few years ago, Joan spoke of coming to Canberra in 1960 when Canberra still had that country town feel. Joan and her husband, Harry, moved to Dickson. The closest shops were in Ainslie. Describing her experience, Joan said, "There was no Dickson. Everything was delivered to your door. The greengrocer, the dry cleaner, the butcher, the baker all came to the street. Everybody would come

out. This is how you met people; this was how you networked in your street.” Joan was not one to shy away from challenges, referring to her arrival to Canberra without family as an opportunity to “make or break you. We warmed to the people and the people, I gathered, warmed to us.” Joan embraced her neighbours and the broader Canberra community.

This humble, unassuming, take things as they are approach was summed up by Tim Gavel in the *City News* on 17 August 2011. He wrote that Joan, in 1967, wanted to enrol her children in a learn-to-swim program. “The only problem was that Dickson pool didn’t have a learn-to-swim program.” So Joan established one. What started as a simple gesture to ensure that her children received swimming lessons evolved into a more than 40-year relationship with swimming. Joan “presided over the sport for almost 20 years”.

In 2011 Joan was inducted into the ACT Sport Hall of Fame for her contribution to swimming in the ACT. However, it wasn’t just swimming that Joan embraced. Joan also served as chair and board member of many community groups, including the North Canberra Community Council, North Ainslie Primary School, Turner Primary School, Lyneham High, Dickson College, the ACT Council of Parents & Citizens Associations, the ACT Schools Authority, the YMCA, and Friends of Albert Hall. In her spare time Joan also volunteered with Girl Guides ACT and Alzheimer’s Australia ACT. As well as her induction into the ACT Sport Hall of Fame, in 2003 Joan received the Order of Australia Medal for her service to swimming and her service to the community. In 2010 Joan was named volunteer of the year at the ACT Sports Star of the Year Awards.

Joan was so committed to her community that when self-government was introduced in the ACT she ran as a candidate for the Residents Rally in 1989 and then the Moore independents group in 1998. In fact I note that Michael Moore has a tribute to Joan in his column in the *City News* today.

As my colleague Ms Lee mentioned in the chamber yesterday, we live in the best city in Australia, and a huge part of what makes our city great is the people who live here. I never met Joan Kellett, but to me she embodies the spirit of those who have helped make Canberra the great city that it is.

Vale, Joan Kellett.

### **Cystic Fibrosis—Santa Speedo Shuffle 2017**

**MRS DUNNE** (Ginninderra) (6.36): Before I make my own comments I add my condolences to Joan’s family. She was, indeed, a great lady and she will be missed.

Ms Cheyne spoke about people dressing badly and running around the lake in order to raise funds, so I thought that we should bookend the adjournment debate by talking about other people dressing badly and running around the lake to raise funds. I want to talk about the Santa Speedo Shuffle that took place on Sunday beginning at the

yacht club. More than 130 people turned out, most of them dressed in speedos. I note that neither the minister for disability nor myself dressed in speedos for the occasion. People in politics know that photographs like that will never go away, and we wisely chose to turn out in support and to participate but not to dress in speedos. I also acknowledge my colleague Ms Lee, the shadow minister for disability, who turned up to cheer people on. I think she turned up because she thought that I might turn out in speedos, so I hope she was not too disappointed.

As I said, more than 130 people turned out, and I have had recent notification that at this stage the grand total fundraising for the event is \$157,276. That is an extraordinary achievement, and I want to pay tribute to all the people who participated. Team Dunsted, the team that my daughter and I put together, raised a reasonable amount of money, but we were dwarfed by the fundraising efforts of some of the other people involved. I pay tribute not just to the people who ran, shuffled, and hobbled on the day in very dubious outfits but also those people who decided to keep their Skins on and wear their Santa outfits over the top of them—my son and son-in-law are not included in that group—as well as the hundreds of generous Canberrans who contributed to this fantastic fundraising event with \$157,000 raised.

It is no small effort and I want to pay tribute to the principal organisers: Heidi Prowse, the Chief Executive of Cystic Fibrosis ACT; Tania Minogue, the president; and the chief Santa, Andy Prowse, who gave his patronage to the event. I thank all those people who turned out on the day—and the dogs as well.

Question resolved in the affirmative.

**The Assembly adjourned at 6.40 pm.**