



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

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## **Tuesday, 18 September 2018**

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

### **Petitions**

*The following petitions were lodged for presentation:*

#### **Fenced play spaces—petition 14-18**

*By Ms Le Couteur, from 484 residents:*

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

The following residents of the ACT draw to the attention of the Assembly the need for a substantial increase in the number of fully fenced play spaces.

Fully fenced play spaces are a simple and relatively inexpensive way of increasing the accessibility and inclusivity of play spaces.

People who benefit from fully fenced play spaces include

- a parent or carer with more than one child under five or a child with a disability, e.g. an autism spectrum disorder,
- pregnant women with young children,
- older people caring for young children,
- parents or carers who have a disability or health issue that restricts their movement, and
- day care groups for people with dementia.

ACT Government Play Spaces Policy commits to “providing accessible, diverse, stimulating and manageable play spaces which foster healthy social, physical and mental child development.”

Canberra provides 1 fully fenced play space for every 130,000 residents with 60 play spaces partly fenced for hazards within 20m.

Queanbeyan has 6 fully fenced play spaces providing one for every 7,000 residents which is outstanding nationally.

Adelaide provides 90 fully fenced play spaces providing one for every 13,000 residents.

Your petitioners, therefore, request the Assembly to:

1. Within 6 months, finalise a 3 year plan for at least 30 fully fenced play spaces (one per 13,000 residents). This plan must have guaranteed recurrent annual funding.

2. Provide an app or website for locating fully fenced play spaces.

### **Clubs community contributions scheme—petition 15-18**

By **Mr Parton**, from 1,225 residents:

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

The following residents of the ACT draw to the attention of the Assembly that:

- ACT clubs must give at least 8 per cent of net gaming machine revenue as community contributions;
- last year clubs gave \$11.9 million (12.6 per cent of net revenue);
- clubs currently have discretion to direct contributions towards their established purposes and their members' priorities;
- this scheme funds more than 1,000 community groups, including junior sports and local charities;
- an ACT Government options paper has proposed that all or some of these contributions be diverted to a centrally administered fund;
- Chief Minister Andrew Barr and ACT Greens leader Shane Rattenbury have both spoken in favour of this proposal; and
- we oppose diverting any funds from the community contributions scheme into a centrally administered fund, including the Chief Minister's Charitable fund.

Your petitioners, therefore, request the Assembly to call upon the ACT Government to:

- engage in a comprehensive consultation on this proposal with all stakeholders, including clubs, junior sporting teams, charities and community groups;
- commission a report into the social value of the ACT's clubs and the community groups that they currently support, similar to Latrobe University's 'Value of a Community Football Club' report; and
- provide to all stakeholders and the public a thorough economic analysis of diverting any portion of community contributions to a centrally administered fund, including impacts on current recipients of community contributions and the overhead costs associated with the operation of a centrally administered fund.

*Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Justice and Community Safety.*

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and referred to the appropriate ministers for response pursuant to standing order 100, the petitions were received.*

### **Fenced play spaces—petition 14-18**

**MS LE COUTEUR** (Murrumbidgee) (10.02), by leave: I have presented this petition as it is an important part of the bigger picture of play spaces in the ACT. It is talking

about something that is a bit unusual—that is, fencing for playgrounds. I am not suggesting, and the petition is not suggesting, in any way that all playgrounds need to be fenced. The petitioners are recognising that we have a huge diversity of users of playgrounds and for some of them fencing is an essential requirement. If the parent happens to be disabled, that may be an issue. The child may be autistic or there may be road traffic nearby. There could be many reasons. This, along with all the other things that the ACT government considers, is something that we need to put into the mix. It is something which, in the past, we have not thought about.

**MS LAWDER** (Brindabella) (10.03), by leave: I am very pleased to see the petition presented by Ms Le Couteur today. I know that my colleague Mrs Jones has spoken in this place many times about the need for fenced playgrounds, and I hope that, through the previous discussion in this place and the presentation of this petition, it will continue to gain traction.

I agree with the examples given by Ms Le Couteur. Previous examples provided by Mrs Jones have also included a parent or carer with more than one child at a playground, including a mother who might be breastfeeding a baby while one or more other children are in the playground. If one of those other children suddenly takes off in any direction, towards a road or anything else, it is more of a challenge for that mother who may be breastfeeding to jump up and chase that child. You may also then be leaving another child in the playground unsupervised.

I would like to thank Ms Le Couteur for bringing forward this petition today, and I commend the petition to the Assembly.

### **Clubs community contributions scheme—petition15-18**

**MR PARTON** (Brindabella) (10.04), by leave: I am pleased to present the petition from 1,225 Canberrans who certainly have voiced their opinion in no uncertain terms regarding the ACT government's moves to change the way that clubs distribute community contributions. This debate has been remarkable in terms of the volume of voices that have come from out in the suburbs.

The fact is that the community sees this for what it is—Labor and the Greens taking a sledgehammer to the community contributions scheme. My office began to receive feedback not long after the announcement of this review. I might share some of the comments that have come from constituents:

Having carefully reviewed the Options Paper Maximising the Benefit of the Community Contributions Scheme through a centrally administered group over which our members would have no influence, we get no comfort from the proposal and question whether a centralised group would be intimately aware of the needs of our local communities.

That is from one community member. Another said:

Community organisations are an integral part of the ACT Community and contribute to community programs that support the people in the ACT community and thereby enhancing their wellbeing and reducing their dependency on other government programs.

Another said:

Why can't we be allowed to make some decisions remote from government at times, please think of the little community groups who will lose if this change goes ahead.

And another said:

"If it ain't broke, don't fix it!" Nothing I have seen from the Government demonstrates that the current system is broken; the changes seem purely ideological which is not a sound foundation for good policy.

Of course, we have gone a little further down the track with this. The minister will assure us that this debate is over. He will tell us that he has listened to the community, and that the community advised him to go with option 2 in the discussion paper; that is, quarantining the first eight per cent of gaming revenue to be still distributed by the clubs and then tacking on an additional two per cent that must go to a centrally administered fund.

This two per cent is not a community contribution; it is a tax. I see through it. Jon Stanhope sees through it. Just about every member of a club in Canberra sees it for what it is. It is vindictive revenge for the clubs' campaign against the government at the 2016 election. It is institutionalised bullying of the highest order. Bullying by government is the worst bullying of all, and I am sick to death of it.

Our clubs already donate as much as they possibly can back into the community. By imposing this additional tax on our clubs, this government will be robbing community organisations that have been supported by the clubs to this point. If you tax them more, they will give less back to the community.

In regard to the minister suggesting that he has listened to the community and retreated to option 2, none of the options were palatable—none of them. As I said in this chamber during the last sitting, this is like consulting a death row inmate on which way he would like to be executed then suggesting that he is going to the electric chair because that is what the prisoner told us he wanted.

My message to the minister is: please leave our clubs alone. My colleagues and I on this side of the chamber are happy to stand up for the local community and help them to have their views heard, even when those opposite are determined not to listen to them. It is with great pleasure that I commend this petition, along with its 1,225 signatures and thousands of local supporters in the community.

## **Assistant Speaker**

### **Revocation and nomination**

**MADAM SPEAKER:** Pursuant to the provisions of standing order 8, I have revoked the nomination of Mr Steel as an Assistant Speaker and I have nominated Ms Orr as an Assistant Speaker. I present the following warrant of revocation and nomination:

Pursuant to the provisions of standing order 8, I—

1. revoke the nomination of Mr Steel as an Assistant Speaker; and
2. nominate Ms Orr to act as an Assistant Speaker.

Given under my hand on 3 September 2018.

Joy Burch MLA  
Speaker  
3 September 2018

## **Justice and Community Safety—Standing Committee Scrutiny report 21**

**MS LEE** (Kurrajong) (10.08): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 21, dated 11 September 2018, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MS LEE:** Scrutiny report 21 contains the committee's comments on eight bills, 13 pieces of subordinate legislation, three government responses and one regulatory impact statement. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Health, Ageing and Community Services—Standing Committee Statement by chair**

**MR PETTERSSON** (Yerrabi) (10.09): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services. At a private meeting on 11 September 2018, the committee resolved to conduct an inquiry into maternity services in the ACT. The committee will inquire into and report on the operation of maternity services across the ACT, with particular reference to:

- a) models of care for all maternity services offered at the Centenary Hospital for Women and Children and Calvary Public Hospital, including, but not limited to, the birth centre, the Canberra midwifery program and the home birth trial, and whether there are any gaps in care;
- b) provision of private maternity services including centre and non-centre services;



- c) management of patient flow, including, but not limited to, wait lists, booking services, and capacity constraints;
- d) management of patient birthing preferences, including, but not limited to, professional advice offered to patients, and the practices associated with birthing emergencies;
- e) interaction between the Centenary Hospital for Women and Children and Calvary Public Hospital with other service areas, including, but not limited to, emergency departments, and operating theatres;
- f) the efficiency and efficacy of maternity services;
- g) the impact on maternity services on regional participants;
- h) patient satisfaction with the services;
- i) the impact on staff including, but not limited to, rostering policies and practices, staff-to-patient ratios, optimum staffing levels, and skills mix;
- j) the impact of technological advances and innovations;
- k) relevant experiences and learnings from other jurisdictions; and
- l) any related matters.

The committee will today call for public submissions.

### **Public Accounts—Standing Committee Statement by chair**

**MRS DUNNE** (Ginninderra) (10.11): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts. I rise today to advise the Assembly of Auditor-General's reports on which the Standing Committee on Public Accounts has been briefed and to advise the Assembly of those into which the committee has agreed to inquire further.

The committee was briefed on the following Auditor-General's reports on 18 July 2018 at meeting No 59:

No 5/2018—ACT clubs' community contributions.

No 6/2018—Physical Security.

No 7/2018—Five ACT public schools' engagement with Aboriginal and Torres Strait Islander students, families and community.

No 8/2018—Assembly of rural land west of Canberra.

At its private meeting on 25 July 2018, meeting No 62, the committee agreed that it would inquire further into Auditor-General's report No 5 of 2018, *ACT clubs' community contributions*; refer Auditor-General's report No 7 of 2018, *Five ACT public schools' engagement with Aboriginal and Torres Strait Islander students, families and community*, to the Standing Committee on Education, Employment and

Youth Affairs for its consideration; and consider the government response to Auditor-General's report No 6 of 2018, *Physical Security*, when it becomes available and then consider whether to inquire further.

The committee had already agreed to inquire further into Auditor-General's report No 8 of 2018, *Assembly of rural land west of Canberra*, at its private meeting of 4 July 2018, meeting No 55.

## **Better suburbs 2030 Ministerial statement**

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (10.12): I am delighted to be able to present to the Assembly today the following papers:

Better Suburbs Statement 2030—Ministerial statement, 18 September 2018.

Have your say on city services for Better Suburbs—Statement 2030.

This follows on from the work of my colleague Minister Meegan Fitzharris in starting this really important piece of work to deliver better services for our suburbs, in partnership with our city's citizens.

The fast rate at which our city is growing means we need to take a holistic and sustainable approach to providing quality city services for our suburbs, whether they are well established or newly developed. We know our rapid growth as a city means we need more coordinated and efficient city services to deliver as much as possible within existing resources. We also know we need to do this in a way that is responsive to community needs and expectations, and so the better suburbs program was established.

In recent years community engagement processes across a range of government projects have shown that Canberrans are passionate about their city and willing to contribute to ideas and energy to meet the changing needs of our suburbs and our people to ensure that Canberra remains an attractive, safe and easy place to move around. As the better suburbs statement 2030 shows, this is particularly true in terms of stormwater management, waste management, combating the effects of climate change and maintaining Canberra's bush capital legacy.

The better suburbs statement was developed through a new model of engaging with citizens, in line with the government's commitment to best practice and better community consultation through deliberative democracy and genuine engagement. Deliberative democracy involves citizens coming together for a period of time, being given credible and reliable information on the topic under review, discussing the subject at length and arriving at a shared view on the way forward.

The purpose of the better suburbs program was to determine the value the community places on the different city services provided by government and to identify

efficiencies that can be drawn from this. This shared decision-making and collaborative approach is a crucial step in managing the future of Canberra's city services for our community.

The final phase of the better suburbs program involved a citizens forum. This consisted of 54 members of the Canberra community coming together and being empowered to work through the challenges and opportunities in the city services realm and to present a vision for Canberra. I am thrilled to say that the citizens forum has achieved this goal and paved the way forward for a vibrant, beautiful and livable Canberra with a vision for our city in 2030.

Through the work of this committed, informed and passionate group has come the better suburbs statement 2030, a collection of priorities and values that will serve to inform the ACT government in delivering great city services now and in the future. As the statement from the citizens themselves says:

We were brought together in our commitment and love for our city.

This reflects what I already know so well from working with our community—the people of Canberra care about our city and its future.

Together the priorities and values set by the better suburbs process paint a picture of our city as an integrated network of natural and built elements, where our waterways, urban forest and green spaces contribute to better livability, environmental outcomes and community health.

The statement of the citizens presents a 2030 vision for Canberra of people, place and spirit in harmony, of Canberra as a bush city, green and vibrant and where we honour our Indigenous heritage and our history.

I am proud that our citizens want Canberra to be a place that is inclusive and fosters community pride. And, as the citizens themselves say in the statement:

Ours will be a healthy community.

As the new Minister for City Services, along with this government I am committed to this goal of a healthy community, just as our citizens forum were in delivering a vision for our city and its services.

A common theme of this 2030 vision is connectivity—better connected services to the community as well as a community that is better connected to government and decision-making. Before I share with you this 2030 vision and table the citizens statement, I take this opportunity to proudly announce the priority service statements agreed upon by the better suburbs forum members which are outlined in the better suburbs statement 2030 in their order of importance.

Being a community that is both environmentally conscious and proud of our city's amenity, improving Canberra's waterways and stormwater system ranked as the most urgent and significant priority for our city services. The quality, health and amenity of

Canberra's lakes, ponds, wetlands and stormwater systems were deemed the highest priority and most urgent of the 14 city services discussed at the forum. This reflects the immense value placed by our community on healthy waterways, effective stormwater management, climate change and drought management.

The forum emphasised that, by focusing on this priority, government can invest in and improve street sweeping technologies, new water harvesting systems and upgrades to existing water infrastructure, particularly to manage large volumes of stormwater run-off due to urban densification in our growing city. The forum expressed a deep commitment to this priority and recommended a boost in community awareness and education to prevent the pollution of our waterways and to reduce the need for cleaning of our lakes and ponds.

The second priority service statement brought forward by the better suburbs forum was street and park trees, which we know is a common theme in many constituent inquiries across Canberra. The recommendation put forward by the forum focuses on changing the ways in which we manage Canberra's urban forest to become more sustainable, safe, resilient and beneficial to the health and wellbeing of the Canberra community.

The forum took this one step further by recommending a canopy coverage target of 30 percent by 2030. As with the water quality priority statement, the forum agreed that this target can only be met with community involvement, such as through public education or directly through Landcare groups to plant new trees. This is a positive and promising recommendation which will further emphasise the importance of government and community partnerships in collaboration to reach short and long-term goals.

I am also pleased to be able to say that the community will be hearing more soon about our work in the urban forest space and how people can contribute to ideas to improve our urban forest outcomes and shape the future of tree management and protection across Canberra. Acting on the actions identified in this statement and being committed to the visions set by the citizens forum is a high priority for me as the Minister for City Services.

Also ranking at second place was the priority statement for better management of household waste and recycling. This is also an important issue that has in recent months reached the forefront of many public discussions and media coverage. This priority reflects that Canberrans are keen on working with government to improve household waste management and recycling through identifying efficiencies and new processes for dealing with organic, green and bulky waste.

However, this priority also extends beyond the household and into the public realm. It is clear the community is conscious of the ripple effects of illegal dumping and waste management issues more broadly across the territory. The forum agreed that far-reaching benefits can be achieved by improving government capacity for compliance activity against illegal dumping offenders.

The forum suggested some creative and insightful recommendations to set us on the right path, such as community education and using our eyes on the streets to report illegal dumpers. Our ACT government is forging ahead on progress in waste management issues and takes illegal dumping seriously. I welcome the innovative recommendations from the citizens forum that will lead to action in this space in the future.

Canberra's road network was also listed as having a high strategic importance for the community in the better suburbs statement. Prioritising the maintenance and construction of quality roads and embracing new technologies for road surfacing are clearly very important to the community, and these surfaces help to maintain a safer and more livable city. As the Minister for Roads this is also something I am committed to improving, in partnership with the community.

A number of other recommendations were also made in the statement in respect of public spaces, including parks and verges, libraries, graffiti, streetlights, play spaces, shopping centres and parking in sports grounds. I recognise that all these elements have an important role in contributing to our city, and I welcome the recommendations and ideas of the citizens forum around these areas.

One other area the forum focused on is responsible pet ownership. This is an area I am committed to improving, and important work continues to occur in this area. I will soon release a community survey on dog control in our city and I want to hear from everyone about how we can make sure we have a pet-friendly city in Canberra and achieve high standards of amenity and community safety. The community will see and hear more about responsible pet ownership in the future, and I welcome the forum's ideas on this issue.

I also take this opportunity to highlight some continued work occurring in the better suburbs program specifically around play spaces in the ACT. A specific forum has been established to give the community an active role in framing the direction for play spaces in the ACT. This will include a participatory budgeting activity to allocate \$1.9 million of funding to play spaces as determined by the forum.

This shows a clear commitment to play spaces in the ACT and the benefit they bring to a community. We know play spaces contribute greatly to the quality of lives and to the health and development of children. I look forward to reporting on this later in the year when this work comes to a close.

Last year in this Assembly the government committed to making use of participatory budgeting to help inform the 2019-20 budget and beyond. The ongoing work on funding for play spaces has already provided us with a lot of insights on how Canberrans want to engage with decisions around the allocation of public resources, and we will no doubt learn much more by the time this part of the process is concluded.

Our intention is to draw on those lessons and link them to the important work coming out of the better suburbs forum by undertaking further participatory budgeting work in

the months to come. In particular, we are keen to explore how the priorities outlined in the better suburbs statement align or otherwise with the current actual allocation of resources within the city services budget.

One practical way to give effect to the insights and feedback of the forum would be to move towards a proportional allocation of funding in this portfolio area that reflects the priorities identified by the community. This is something I will be advocating for as the government is making decisions in this area in the future in our budget process.

When reading over the better suburbs statement 2030 it does not take long to understand the immense benefits of including our very insightful and passionate Canberra community in the process of government problem-solving and decision-making. I believe this forum is part of a new phase in community decision-making in Canberra where people come together to discuss, consider and plan the issues that affect their daily lives.

This participatory democracy exercise closes the space between government and the community. We are all part of this community and we should all have a genuine say in the decisions that affect us. Many of the forum members are here today in the gallery to see this statement being tabled, and I will read the introduction the forum members wrote in the better suburbs statement.

We came together over three weekends, 54 of us from across Canberra. Some walked, some cycled, some of us car pooled.

We immersed ourselves in the work that Transport Canberra and City Services (TCCS) undertakes everyday to improve our lives as citizens. We committed our time, energy and passion to share our ideas about how we can make our suburbs better.

There was butchers paper. There was great debate—not always with agreement. There were scones.

We were brought together in our commitment and love for our city. We recognise we are a small representation of people from across our city. We are honoured to have contributed in this way.

I personally thank members of the citizens forum for their contribution, particularly those who are in attendance today as well. It does not take long to recognise the varied and complex nature of the work our city services area of government is responsible for undertaking.

I was pleased to see the forum recognise that city services does a wonderful job in maintaining and improving assets across all of its service areas. I recognise that there are areas we can improve on in terms of efficiency and integration. Responding to community complaints and being more strategic and collaborative across government and our community is also a strong theme in the statement, and I am certainly committed to acting on this.

In conclusion, the better suburbs statement is not just a matter of priorities about how we deliver city services; it is an impressive vision for making the most of the interconnected and integrated networks that can help bring our suburbs to life.

Globally and locally, all communities are facing challenging and changing times. Good decision-making and working in partnership with our community is crucial to ensure that we navigate these changes with the best possible outcomes for our city, for the people that live here now and for the next generation.

This statement is integral to the future of Canberra's suburbs as our city's population grows. As a government, we must think strategically across our diverse business areas and better work together to share knowledge and resources to meet the needs of our growing city. I am committed to achieving this and acting on the vision identified in the recommendations in the better suburbs statement 2030 that has been delivered by our community for our community.

I take this opportunity to thank again each of the individual members of the forum and the government officials who dedicated considerable time and resources to supporting the forum and developing the statement. I also thank all members of the community who completed the survey or kitchen table guides, which also helped to inform the final statement.

I move:

That the Assembly take note of the ministerial statement.

## Visitors

**MADAM SPEAKER:** Before I give members the call, we should recognise in the gallery a number of the Canberrans who have helped develop the better suburbs statement and participants in the citizens forum. Welcome to your Assembly.

## Better suburbs 2030

**MS LE COUTEUR** (Murrumbidgee) (10.28): Firstly, I echo my thanks to the community, who have put so much time into making this statement happen. Deliberative democracy is something that the Greens have been pushing for for a very long time. It is part of the parliamentary agreement. I am very pleased that this is the third deliberative democracy exercise that the ACT government has done. I am looking forward to this being part of the way that we reinvigorate our democracy here in the ACT and spread this to the rest of Australia because, God knows, with the efforts elsewhere, clearly our democracy needs some help.

I think city services are a particularly good area in which to have a participatory democracy exercise. As you can see by looking at the statement, city services impact all of us every day in our lives. If we leave home, we are walking, riding or driving on city services. We are being lit by the street lights. The trees that shade us in the summer are city services.

They are things that really impact all of us. But because they impact all of us so intimately every day, this is an area that has been very contested in respect of where government should put its priorities. I am sure that every MLA here has had numerous representations from constituents who want this piece of city services—whether it is a pothole, a streetlight or a better playground—in this bit of the neighbourhood to be better.

This is the bread and butter of our democracy. It is really good that we have now another way of looking at how we can work out the priorities, because city services are all about prioritisation among the different areas. I think there is probably universal agreement that, were there to be a magic pudding and we had all the resources we wanted, we would do everything.

But unless we increase rates hugely more than we are, that is not one of our options. So what we have to do is make choices. This is why last year we had a motion that I introduced, and that was passed by the Assembly, to have a participatory budgeting process that would focus on the discretionary elements of the TCCS budget, which we thought was probably around 20 per cent of it.

I am very pleased that this will be the first step towards a process that, for the forthcoming budget, will lead to a better alignment with the budget priorities and the priorities of the people of Canberra. That is what we are here for, to make a Canberra that works for the people who live here. It is really important to have better consultation, better engagement with the people of Canberra, than we have had in the past. Hopefully, better engagement will also be a way to lead to less conflict. When people can see that a decision on funding this rather than that was made for reasons that they have signed on to, hopefully that will be a more positive way of determining government priorities.

I have only one small negative comment on the process so far. With the other two deliberative democracy processes the ACT government has gone through—I have been an observer for part of all three of them—the participants' report was publicly released as soon as it was finished. In this case it has taken about a month and the observers were not allowed to be present when the report was presented. I am not sure why. I assume that the report is as presented. There has clearly been a bit of graphical work done on it, but I assume that apart from that it is identical to what was put out on the day.

I will now talk briefly about the priorities in the statement. Obviously, I have only seen the statement this morning. When I heard that the minister was presenting it today I looked on the website and found that it was there, which is great. I think one of the really positive things when looking at this statement is that the community has recognised that there are limited budgets and that there will need to be prioritisation. Through their better suburbs statement, there has been some prioritisation of expenditure. I think it is incredibly useful for government to get it right with limited resources. Positively, from a Greens' point of view, the items that the better suburbs statement puts at the top are also things that the Greens have felt are really important.



Another thing to note is that all through the statement it has been talking about what the community has said. It has said, “We would like to be involved not just in making decisions, important as that is, but we are also prepared to have long-term involvement in the maintenance of our cities. We are prepared to look after the water assets that hopefully will be built as a result of this. We are happy to do things about graffiti. We are happy to do things about park maintenance. We are happy to be part of a community cooperating with our government to keep our community in better shape.”

It is very interesting that number one was lakes, ponds, wetlands and stormwater assets. These are things that the Greens have been fighting for since Kerrie Tucker. Wetlands have a really important role in dealing with peak flows and water quality before and after storms, which is incredibly important for us as the biggest city in the Murray-Darling Basin.

In terms of the Assembly’s attention to petitions and motions, while I am not saying that this is something that has been totally neglected, it certainly has been compared to other items in the city services budget. It has not been number one. I think it is a very important message to all of us here that this is what the people of Canberra think is really important. We should be putting more energy into this.

Street and park trees were number two. Perhaps I am talking more for myself again, but I think the Assembly has got this more right. We did manage to pass a motion that I moved in the Assembly last year that basically said we need more trees. So we were on target there.

Their third priority was household waste and recycling. It is purely coincidence that the MPI today will be about single-use plastics. But I think it is really good to have a reality check from the people of Canberra that they also are concerned about waste and recycling and what we do about plastics.

I was very pleased to hear the positive words of the minister about the trial of participatory budgeting and how this will be the first important step in this area. I think this is an area where we need to get it right, and hopefully we will get it right. Soon we will see it in action and then participatory budgeting may move out of this limited area. We need to look at it more from a whole-of-government point of view. What actually is it that the people of Canberra want to spend most of their money on? We have a process once every four years, which is incredibly important. But I think we can have some more nuanced conversations.

I repeat my thanks to the people who put in five days of face-to-face time, and I know a lot more time than that in terms of their homework, to make a better Canberra for all of us.

**MS LAWDER** (Brindabella) (10.37): I would like to thank Minister Steel for the report on the participatory budgeting exercise for the better suburbs project and to acknowledge the role that Minister Fitzharris previously took when it was in her portfolio. I would have to agree—I think we all do—about the importance of things

like our healthy waterways. I acknowledge the role of the federal government in funding significant healthy waterways projects in the ACT, in conjunction with the ACT government. I also agree about the importance of trees and the tree canopy, waste management, dog control and responsible dog ownership, and play spaces. These are all things we have spoken about many times in this Assembly.

I would also like to thank and congratulate members of the citizens forum for their contribution to the process, the significant commitment that they have made and the responsibility they have accepted in working through these issues on behalf of all Canberrans. Thank you very much for your contribution.

But I do have a question about the process—that is, how it fits with our time-honoured Westminster process of petitioning parliament. The right of citizens to petition the parliament stems from traditions across many civilisations. In the Westminster system it can be traced back to the 13th century, when petitioning the Crown was relied on for redress of grievances.

By the 17th century, when in 1669 the rights of petitioners and the power of the House of Commons to address petitions were affirmed by two resolutions, the form and purpose of petitions had evolved to the style we see reflected in the current petitioning. It is often said that petitions are the most direct form of communication between the public and the house or, in our case, the Assembly.

I am unsure whether the government is now ignoring the longstanding—some might say old-fashioned but still I believe very relevant—process of petitioning in favour of participatory democracy when we have seen that the standard practice in parliamentary processes is of the important role that members play in liaising with citizens and bringing forward issues to the parliament. In fact, there are 24 clauses in our standing orders—clauses 83 to 100C—that relate directly to petitions.

I question whether we are taking away the rights and the role of members and placing this decision-making and liaison with citizens firmly and solely in the hands of the government by running these participatory democracy processes. We have seen petitions come to this Assembly and be rejected and dismissed by the government because they say these decisions are going to be made by this participatory budgetary process.

We on this side have lobbied the government, for example, about playgrounds via petitions: Waramanga and Torrens playgrounds from my colleagues Giulia Jones and Jeremy Hanson; Higgins playground from Mrs Kikkert; Greenway from me. Just this morning we saw a petition from Ms Le Couteur about the fencing of play spaces. So are we abandoning petitions in favour of the government's new discovery of the participatory budgeting process? Is it just a new name for something that has been around for centuries, the time-honoured Westminster tradition of petitioning?

In no way am I trying to take away from the important contribution of the people who participated and who came forward with these fantastic recommendations about waterways, trees, waste management, dogs and play spaces. These are important issues that we discuss over and over again. These people have given up significant

amounts of time and devoted their intellectual capacity and emotional contribution towards looking at these issues that affect all Canberrans. Once again, I would like to thank you for your contribution.

What I am asking about is the parliamentary process—whether this is now designed to take away, or is inadvertently taking away, from the role of all members with respect to the expectation that when a community bands together and puts forward a petition, the government will now use this process as a way of dismissing, rejecting and ignoring what that community group has put forward in that petition.

**MS CHEYNE** (Ginninderra) (10.42): I rise to speak briefly for two reasons: firstly, as many members in this place know, I am passionate about city services, as we all are, because understandably the look and feel of the city impacts how we feel about our city. Secondly, I rise to speak because I attended, not fully but in part, two of the three weekends. On the first weekend I attended to welcome many of the participants to Belconnen Library as they were going on their tour to learn about all the extensive community services and city services we undertake in this city. Secondly, I attended as an observer for about six hours on the Saturday of the second weekend.

Madam Speaker, I want to underline what Minister Steel said. What I saw on both of those days was a group of passionate Canberrans, a group of dedicated Canberrans, who were asking pertinent questions, making intelligent observations and really giving a damn about our community, our city, and how to make it better. It is no easy feat to give up three weekends, even in the middle of winter. I want to thank them for that.

While I have not yet had a chance to read the statement in full, it does seem to me that this impressive group has got it right. I think many members in this place will also agree that the priority areas the forum has identified are the areas that we consistently get feedback about, whether it is our urban forest or our waste management. I think the recommendations that so far have been alluded to by Minister Steel sound absolutely spot on. I really look forward to them coming into effect.

Of course, I am particularly interested in the curb-side bulky waste pickup which, as members in this place know, is an election commitment of ours. It is something that I heard repeatedly mentioned on the day. I note that Minister Steel has stressed this in his statement as well. I very much look forward to working collaboratively on that. It something I am very keen to see come about here.

Madam Speaker, I again want to put on the record my thanks, firstly, to Minister Fitzharris for this initiative. While I appreciate that there are differing views in this room about its value, I think the proof will be in the pudding. We are going to see just how important this was. I want to thank Minister Steel for his commitment and his passion. He will be seeing this through and we will all be looking forward to working with him on that. But most of all I want to thank the participants.

I really do not have the words to indicate just how impressed I was. Through you, Madam Speaker, I want to say thank you for being dedicated, passionate Canberrans representing a city of dedicated, passionate Canberrans who care about this place.

Thank you for your interest and commitment. Thank you for your service to this role. I really look forward to reading the statement.

Question resolved in the affirmative.

## **Reforms to the on-demand transport industry in the ACT Ministerial statement**

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.46): Today I rise to speak on the government's policy on the on-demand transport industry and to table the evaluation of the ACT government's 2015 taxi innovation reforms, the result of many months of work, based on feedback from thousands of Canberrans.

Members would recall that this parliament was the first in the nation to pass a modern regulatory framework for the ride-share industry. This followed our deregulation of hire cars in 2010. Together, taxis, ride share and hire cars comprise the on-demand transport industry in the ACT.

When we introduced the legislation to provide for the legal entry of ride-share services into the ACT in 2015, we promised that we would evaluate these reforms after two years of operation. We commenced that evaluation in late 2017 and took into consideration the effects of the reforms on passengers, including people with a disability, the broader user community and industry participants.

We looked at changing travel choices, changes in wait times for service, fare levels and choices, the levels of safety and the overall quality of travel experiences. Importantly, we looked carefully at the quality of wheelchair accessible transport services, or WAT services, and the broader accessibility of on-demand transport, and the operation of the centralised WAT booking service.

As part of the evaluation, we observed the changing structure of the industry itself, including fleet sizes and composition, and the extent and differentiation of booking services. We considered the experiences of industry providers, including work conditions and their viability, their revenues and earnings and work hours, and their relationships with operators and booking services.

From a social and community perspective, we wanted to understand how consumers were using and experiencing these services, what they considered important and what impacted on their choices. We also wanted to understand how services for people with mobility issues were operating.

From an economic perspective, we sought to understand if the market was operating efficiently or if it was exhibiting any failures. Such failures can take the form of the dominance of market providers, inefficient pricing or other negative impacts, such as patterns of safety incidents.

Finally, we looked at a range of other issues, such as the adequacy of regulation around emerging business models like designated driver services, as well as cross-border arrangements, given that the New South Wales regulatory framework for taxis has recently changed.

We heard from the community and industry in order to understand the impacts of the reforms. We received significant input from passengers, including people with a disability and others with mobility issues. We heard from a range of peak bodies across the community and industry sectors.

We talked directly with drivers, vehicle owners, transport booking services and representatives of traditional and emerging business models, as well as receiving surveys from industry participants across all of these groups. Finally, we heard from 15 of the larger hotels across our city, the Canberra Airport and the holders of perpetual and government-leased taxi licences. We also sought advice from the largest Australian government agencies in Canberra about their use of on-demand transport services.

We received input from the community through both detailed and simple surveys on the your say website, in addition to detailed written submissions and face-to-face meetings. In all, we received more than 2,500 responses to surveys, 10 formal written submissions and we held meetings with 13 groups and key individuals. Among those surveyed, more than 670 members of the taxi subsidy scheme told the government about their use of WAT services. Lastly, we received economic analysis and modelling from a third-party industry expert, the Centre for International Economics.

We sought the views of a wide variety of people and groups across the city. We have listened to these views and they underpin the government's announcements.

The ACT government's 2015 taxi innovation reforms have contributed to improved outcomes for the community, with net economic benefits, new employment opportunities and new services and activities. Overall, the reforms have been positive for consumers of on-demand transport services, in terms of both service and economics. The arrival of ride share in the ACT has seen greater differentiation in prices for services and high levels of consumer support and satisfaction.

Consumer take-up of ride-share services has been strong—and, in fact, greater than originally estimated. Further, as a result of increased choice and lower fares overall, a new cohort of Canberrans are using on-demand transport who did not previously use hire cars or taxis. Surveys indicate that passengers are pleased with ride share in Canberra as it provides new fare structures and levels, new ways to provide feedback on drivers, a new way to track vehicles and a new service experience overall. Surveys also indicate that ride-share passengers are positive about safety, wait time and the accessibility aspects of ride share, too.

Consumers also now have more choices about booking their trip across all modes of on-demand travel. Since the reforms Uber has been joined by three more ride-share services, booking services for standard taxi services have increased from two to six,

and the number of hire cars has increased from 30 to 58. More providers of booking services supports competition and positive outcomes for consumers in the long run.

While consumers are experiencing the benefits of innovation and elements of new competition, I am happy to say that, as reported by Access Canberra, the safety of the consumer and the community, and that of drivers, has been firmly upheld. This was a critical objective of the reforms. Another critical objective of the reforms was that the quality of on-demand transport services for people with a disability not decrease. I am very proud to say that we met that objective.

More than 670 members of the taxi subsidy scheme, or TSS, have provided us with input on WAT services and the centralised booking service used by WAT passengers. Across wait time, service quality, safety and pricing factors, the vast majority of respondents saw the same level of quality or better quality.

TSS recipients spoke of the high quality of the majority of WAT drivers. They spoke of how drivers took great care of them during their entire travel experience, from loading and unloading to driving. They spoke of how much they trusted their drivers. They spoke of how safe they felt and how important this service is.

TSS members said that the WAT service continued to provide that vital link between themselves and healthcare services, amenities, social networks and family. Finally, TSS members spoke positively about the centralised booking service that supports WAT services and the caring and patient service it provides.

The reforms have benefited others in the ACT economy. Hotels reported that, with the introduction of ride share, the use of on-demand transport from hotels had increased, and wait times for taxis had decreased. Some spoke of the high quality of ride-share service specifically and the courteous behaviour of ride-share drivers on hotel properties.

The introduction of ride share has provided an additional choice of work for on-demand transport drivers. Anecdotal evidence from stakeholder consultation shows that a growing number of taxi drivers also choose to drive for ride-share services. It has provided a new form of income for members of the broader community. Operators, too, have more choices, post reforms, as to what transport booking service they affiliate with. As I noted earlier, more booking services are operating now, and Access Canberra noted that some operators are acting on those choices.

These reforms, by and large, can be seen as successful in providing improved consumer outcomes to date, via innovation and competition, against the initial expectations. However, there remain further market and operational matters that will require attention to support the industry over the longer term.

While there has been success in developing greater competition through the introduction of ride share, there remain barriers to the service potential for taxi services, with the government maintaining regulation over licence numbers and fares in the taxi market.

In recognition of the growth in both the ACT's population and tourism numbers since the current cap on licences was agreed in 2010, and because of the ACT's relatively low historic numbers of taxis per head of population, the government has decided to increase over time the regulated cap to 500 taxi licences. Thirty standard taxi licences will be made available immediately, with an additional 50 to be made available by March 2019, bringing the total number of taxis available on the road to 408, from 328.

At the same time the government will be consulting with the community and stakeholders on the future of the regulation of taxi licence caps and taxi fares by posing key questions. What factors should the government consider when looking at lifting or removing the taxi licence cap and releasing further licences in the future? Should we change the cap on wheelchair accessible taxis, which currently stands at 31? Given an increase in on-demand transport vehicle numbers and the emissions they produce, should there be environmental conditions on these vehicles in the future? Do we need to regulate booked taxi fares when so many passengers are now comfortable with fare estimates for booked ride-share services? And how should we determine the increase in taxi fares each year?

Community members and stakeholders will be engaged through multiple channels to better understand their views on these critical and complex issues. Stakeholders will be able to provide their input on these and any other concerns through surveys, including on the your say website, written submissions and conversations with my directorate. The community will have the opportunity to consult with us between September and early December 2018.

Further work is also needed on accessible transport. Given what the government heard through the evaluation process, we will be further considering whether the managed WAT service should be extended to weekends and whether the taxi subsidy scheme should be extended for use in other services in the on-demand transport industry.

The ACT government will further investigate these matters and implement a range of other recommendations arising from the evaluation. We will be looking at better incentives for drivers to provide WAT service, better education and training arrangements to address service quality among certain drivers, and modernised regulation relating to cross-border services, carpooling and driver services. In all, we will be pursuing better outcomes through accepting more than 30 recommendations included in the evaluation report.

The government understands that the reform impacts and outcomes will not be the same for all stakeholders. For some, the changing environment has created significant work and personal challenges. Taxi service providers have seen increased competition for services, especially from ride share but also from new booking services and more drivers who are licensed to drive public vehicles. The government will ensure that personal counselling services for those in the on-demand industry are available for those who may require some additional support with ongoing change.

Representations from holders of perpetual taxi licences requesting a buyback were considered as part of the evaluation. However, the government will not be proceeding

down this path. The evaluation showed that those licence holders continue to maintain their incomes from leasing those licences and have benefited from regulatory settings over time.

The government's reforms to on-demand transport have delivered more services and higher satisfaction for ACT consumers, which has been the focus of these reforms. Yes, there are matters that need further work. This would be the case with any regulatory settings over time. The government will continue to act in the best interests of consumers to deliver affordable, safe, accessible and integrated transport options.

For the information of members, I present the following papers:

Evaluation of the 2015 Innovation Reforms to the On-Demand Transport Industry in the ACT—

Ministerial statement, 18 September 2018.

Summary report, dated September 2018.

Results of community engagement, dated June 2018.

ACT on-demand transport reforms—Briefings prepared for the ACT Government by the Centre for International Economics—

The Impacts, dated 15 November 2017.

Impacts on taxi stakeholders—Issues to consider, dated 15 November 2017.

Reform of on-demand transport industry in the ACT—Further consultation on taxi licences and fares—Discussion paper, dated September 2018.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Harrison School—asbestos**

**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 Sport and Recreation and Minister for Women) (11.02), by leave: As members will be aware, non-friable asbestos-containing material has been identified at Harrison public school and Mother Teresa Catholic Primary School in Harrison. I would like to take this opportunity to provide an update about this matter to members and the community, particularly in relation to Harrison School.

Harrison School occupies a site of around nine hectares and features extensive garden beds. The garden beds are filled with a mixture of gravel and recycled building material. On Monday, 27 August 2018 a parent emailed the school about whether the recycling building material located within the garden beds had been tested for substances such as asbestos. The Education Directorate was proactive and ordered this testing the same day, despite considering this to be an entirely precautionary measure



because the use of asbestos in building materials was banned in Australia in 2003 and public school construction contracts also prevent the use of unapproved dangerous substances.

Licensed asbestos assessors attended the school on Tuesday, 28 August to collect samples for testing. The Education Directorate received the final testing report from the assessors on the afternoon of Wednesday, 29 August, showing that a small amount of non-friable asbestos-containing material in the form of cement sheet debris had been identified in some garden beds at the school.

The directorate notified WorkSafe ACT of this discovery and ordered sampling and testing of all remaining garden beds at Harrison School. On that day the directorate also engaged its central communications team in anticipation of communications to the school community to be planned for, importantly, in a calm and measured way so as not to cause unnecessary alarm.

All garden beds were declared out of bounds for students from when they returned to school on Thursday, 30 August, and fencing began to be installed to prevent access to the garden beds. The directorate immediately started preparing information for parents, including a letter that was distributed to the school community by email before the end of school on Thursday, 30 August to inform parents and carers of what was happening.

The Education Directorate also posted information about the discovery of asbestos-containing material at Harrison School on the ACT public schools Facebook page on the same day. The Education Directorate organised four guards to be stationed at the school from Thursday evening to prevent access to the garden beds until more fences could be erected.

On Friday, 31 August there was a wet weather day, and students remained indoors during recess and lunch breaks while fencing work was continued. Fencing continued over the weekend, and all internal fences were completed by Monday, 3 September 2018, meaning all internal garden beds were inaccessible to students, staff and visitors to the school grounds.

Ongoing sampling by licensed asbestos assessors of all the remaining garden beds at Harrison School occurred on 30 August, 3 September and 4 September. Information about this, of course, was shared with the regulator, WorkSafe ACT, as it was received by the Education Directorate.

While the sampling and testing were occurring, the directorate was also reviewing construction files and invoices over the past decade to assist with the identification of potential sources of the asbestos-containing material and providing this information to WorkSafe ACT. The final testing report for the samples taken was received by the Education Directorate and provided to WorkSafe ACT on 10 September.

All garden beds at the school were visually assessed for asbestos by licensed asbestos assessors. During this process 55 pieces of cement sheet debris were collected for

testing. Of these 55 pieces, 25 were found to contain asbestos. Importantly, all asbestos-containing material was assessed as non-friable in nature.

Further, it is important to note that the Chief Health Officer has provided advice that the non-friable asbestos found at Harrison School presents a low risk of releasing airborne fibres. Nevertheless, the government understands that the discovery of asbestos at a relatively new school raises questions and concerns.

The Education Directorate and Harrison School have been working with the school community to provide information and to answer questions. The school principal has been providing regular email updates to the school community, and the education support office staff have been attending the school at drop-off and at pick-up times to speak with parents and carers.

Information has also been provided to the school via the Harrison School P&C, and I would like to thank them for this. Last Wednesday night, 12 September, the education support office, ACT Health and WorkSafe ACT attended the Harrison School P&C meeting to further discuss the issue and answer any outstanding questions from parents and carers at a time when working parents were more likely to be able to attend. Across the board, the school community has shown great calm and understanding in the response to this issue, despite the efforts of some members of this place to scare them.

WorkSafe ACT is responsible for the investigation into the source of the material, including how long it has been there. And the Education Directorate has provided WorkSafe with all its information about the contractors associated with works at the school throughout the school's history. This has been an extensive exercise of obtaining and reviewing files over the past decade.

Day-to-day school life has continued. The school is using neighbouring ovals for additional play space and is receiving ongoing assistance with traffic control at peak times, given the reduced parking space. Again, this is a testament to the school principal, Jason Holmes, and his team, as well as officials in the Education Directorate and WorkSafe ACT.

A remediation plan to remove all garden bed materials is now being developed. This will involve the removal of all the gravel fill and vegetation from the garden beds at the school by a licensed asbestos removalists, taking appropriate safety precautions. This will be an extensive process. I expect work will begin during the next school holidays. Following remediation of the site, the garden beds will be rehabilitated, with input from the school community. Should WorkSafe recommend any further action, either at Harrison or at other education facilities, we will, of course, work with them to ensure necessary precautions are taken.

ACT government officials have also been liaising with representatives of Mother Teresa Catholic Primary School and the Catholic Education Office in responding to a similar discovery there. Again, WorkSafe is the key investigating agency for how the asbestos may have come to be at Mother Teresa. I hope that their findings can help to answer the remaining questions at both schools. I would also like to thank and

acknowledge the leadership and proactive response from Catholic education to this issue.

I thank the Assembly for the chance to provide this update and, as I have always done on sensitive issues such as this, I will continue to provide information to the Assembly and the community as it is appropriate to do so. I present the following paper:

Harrison School—Copy of statement—18 September 2018.

I move:

That the Assembly take note of the paper.

Debate (on motion by **Mr Wall**) adjourned to a later hour.

## **Betting Operations Tax Bill 2018**

Debate resumed from 2 August 2018, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (11.11): The Canberra Liberals will be supporting this bill today. It is odd for the Liberals to be strongly supporting a new tax. This is a new tax, but it is a very fair tax and its introduction in this chamber is somewhat uncontroversial. As opposed to many things we see from the government, this one actually makes a lot of sense. However, when a tax is introduced we need to be absolutely be sure it provides the best value for the people of Canberra. I am not quite convinced that that is going to happen in this instance.

While spruiking this new tax to Canberrans, the government has only said this tax on betting operators will go back to supporting services for Canberrans—so straight into general revenue. To me, this sounds like plain revenue-gouging with no real vision on how this newly raised revenue will be allocated.

This new tax has been introduced in order to bring us into line with other states who have either recently implemented a point of consumption tax or plan to introduce the tax in the near future. It is a very sensible thing to do; it is very sensible that the tax should be paid at the place where people are actually betting—the place where gambling harm can be done—rather than in some other jurisdiction.

I understand there will be some conjecture regarding amendment or otherwise, so let me talk about the bill broadly. I want to focus on some of the intricacies of the bill that will perhaps go over the heads of those who have never had a bet. The bill requires that the tax is paid on any credits provided to a user.

I am unsure whether this measure is necessary, and let me explain to the uninitiated: many online betting operators will from time to time provide users with a bonus bet as a promotion. The bonus bet does not involve the punter putting any money in. Normally a betting operator will require a user to turn over or re-bet any winnings

made with those credits while also returning the original credits, the original value of the bonus bet, back to the betting operator. So the punter never actually gets the original bonus bet before those funds are able to be withdrawn by a user.

This means that by taxing the credits provided to the user the government is in reality double taxing the betting operator, as they will be liable to pay the tax on the original credit and then the following wager the user is required to make before being eligible to withdraw funds. It strikes me as being somewhat unfair.

I have spoken about the fact that the government is seeking to replicate what goes on in other jurisdictions with the introduction of this bill. But it is with the pure introduction of the tax that the similarity with other states ends. In other states, governments have used a portion of the revenue generated from the point of consumption tax to feed back into the industry which generated it.

In both New South Wales and Victoria the government is committed to providing around 20 per cent of the revenue generated back to the racing industry. This makes so much sense in that the original racing code funding models were built around turnover from the state owned and operated TABs. Those models came under enormous pressure because of the emergence of these out-of-jurisdiction online betting operations.

The other states have made the call to foster their racing industries and to rightfully return a portion of the turnover from the POC betting tax revenue to the racing codes. The government are one by one shutting down and banning the racing codes, so it is no surprise this bill makes no mention whatsoever of returning any of the funding back to the racing codes, or at least the codes they have not banned at this stage.

By committing to allocate some of the revenue generated from this new tax to the racing codes, the racing codes would be able to reinvest in animal welfare, the sustainability of the future of ACT racing, and infrastructure and innovation, as is the case in New South Wales and Victoria.

With the New South Wales government working with the industry to provide a commitment to allocate 20 per cent of the tax revenue to the racing industry, this places the ACT industry at a distinct disadvantage. We have already seen examples of the Canberra racing community being excluded from the highway handicaps and others. Common sense eventually prevailed there. But with further investment in New South Wales, the racing community needs all the help it can get from the government to remain viable and sustainable in Canberra.

I remind members that the Canberra racing clubs provide a significant economic benefit to Canberra. We are talking about a very large employment base and a great tourist attraction. For those that have ever attended the Canberra Racing Club's feature race days, such as Black Opal Stakes day, Melbourne Cup race day or Tony Campbell race day, you would know the substantial cultural significance of the racing industry in the ACT.

These clubs employ a large number of Canberrans, and that is not just restricted to race day. The facilities at Thoroughbred Park are available for functions such as wedding receptions and corporate lunches. This in total adds up to a significant contribution to the character of the capital region.

Racing clubs in the ACT deserve to have part of these funds invested in what they provide for the Canberra community, and I will be speaking on this a little later on. A portion of the revenue raised by this new tax should be provided to the racing industry. Committing to 20 per cent, as is the case in New South Wales, would be wonderful, but any commitment whatsoever would be a move in the right direction.

I also call on the government to explain to the Canberra community what they plan to do with the extra revenue raised through this new tax. A vague statement about services in the ACT I do not think cuts it. I think the people of Canberra deserve better.

**MR RATTENBURY** (Kurrajong) (11.17): The Greens will be supporting this bill, which allows for the introduction of a point of consumption betting operations tax in the ACT. This means betting operators will be taxed based on the location of the user rather than the location of the company's registered office. Online wagering is the fastest growing segment of the Australian gambling market, worth approximately \$1.4 billion in net wagering revenue in 2014.

Between 2004 and 2014, online wagering grew at around 15 per cent annually, compared with just three per cent growth in the general gambling market. My figures are obviously a couple of years old, and I suspect since then that rate of growth has continued, particularly given the prevalence of advertising we see for these sorts of services.

Given the increasing rate of online gambling activity, the change in taxation approach outlined in this bill is designed to improve the regulation and oversight of the wagering industry and help neutralise any difference in approach between online and land-based betting operators.

In addition to improved regulation through this approach, the Greens hope that over time any additional revenue obtained through this tax will be invested in additional harm minimisation efforts, as we know significant harm results from problem gamblers betting on racing, sports and other events at a level beyond their means.

We have spent a lot of time in this place talking about gambling harm, with a particular focus on the harms that arise from poker machines. This remains an important issue, and while there is more work to do in this space we must also recognise that gambling harm comes from a range of different products and we need to look at a series of measures to help protect people and improve oversight of the gambling industry.

Research from the ANU shows that moderate risk or problem gamblers accounted for over 42 per cent of all money lost on wagering on sports or special events in the

ACT in 2014 and almost 24 per cent of all losses on horse and greyhound racing. This is despite this population making up only 1.5 per cent of adults in the territory. As I have said before in this place, we know the harm experienced by problem gamblers is not limited to the individual but has significant flow-on effects for their friends and families.

These types of gambling have historically been difficult to regulate, especially more recently with the expansion of online betting companies and greater availability of online betting through smartphones and other devices. Of course, it will always be difficult to regulate across the illegal and offshore elements of the industry. At the same time, we have seen in other jurisdictions that regulating betting based on the point of consumption enables governments to more effectively tax wagering occurring within their jurisdiction.

Historically when wagering took place, largely in the form of in-person transactions at a local TAB or with a bookmaker, the old taxation model based on the location of wagering companies was obviously effective. Now that people are engaging in betting activities in different ways and betting companies are moving to base themselves in low tax jurisdictions, we need to rethink our approach.

Other jurisdictions have already made or are starting to make this shift, with South Australia and Queensland having adopted similar models to the one proposed in this bill. Victoria has also introduced a point of consumption wagering tax at a low level of eight per cent, and Western Australia has announced a 15 per cent tax will be introduced from 1 January 2019. The Greens are supportive of the point of consumption tax model and the 15 per cent rate being proposed in this bill for the territory.

The obvious apparent difficulty with a point of consumption approach is being able to definitely know the real-time location of the consumer when they are placing a bet. This is particularly an issue for the ACT, with the proximity of our New South Wales neighbours and the likelihood of people crossing the border on a regular basis.

This bill creates a reasonable workaround for this issue by allowing betting operators to determine location based on a person's registered residential address, which is generally provided on most sites as part of the sign-up process. Safeguards are required to make sure registered residential address information is accurate, which will be achieved through a compliance checking measure.

I note the inclusion of a \$150 tax-free threshold for this measure, which is consistent with the South Australian model. This is a reasonable inclusion to help reduce the tax burden on small operators while maintaining a consistent rate of taxation for larger companies.

The Greens have led the debate in this place on minimising gambling harm through evidence-based approaches. Mostly this debate is focused on the clear harms that come from poker machines, but we know people can experience gambling harm from a range of gambling products, and wagering is no exception.

Earlier I spoke about the significant number of sports betting losses that come from moderate and high-risk gamblers who make up just a small fraction of our community. The first step to addressing this problem is having reliable data and proper regulation of the industry, and this bill takes a step in that direction. Other new proposals for regulating online gambling are also coming forward, and we should continue to be open to new approaches as the gambling landscape continues to change.

Last year commonwealth, state and territory gambling ministers agreed to introduce stronger consumer protections for online gambling. Some examples of such measures included a national self-exclusion register for online wagering, a voluntary opt out pre-commitment scheme for online wagering, prohibiting credit being offered by online wagering providers, and prohibiting links between online wagering providers and payday lenders.

Additionally, in the broader gambling harm space, there is a need for stronger restrictions around gambling advertising, and responsibility for this issue sits largely with the commonwealth. Whilst it is outside the scope of this bill, I hope we can reach a point where we can follow our favourite sports on TV, radio or online without being bombarded with gambling ads.

I am deeply concerned by the way online gambling is being offered and advertised. The way it is linked with having a good time while watching sport or having a good time with your mates is deeply insidious. It reminds me of the way the tobacco and alcohol industries operate, where they present a product and endeavour to create an emotional connection in a way that undermines the attempts made by those seeking to prevent gambling harm from conveying to people some of the risks that are involved.

This is not to undermine the fact that most people gamble within their means, but as one watches those ads on TV, you cannot help but be struck by the very clear messages they are trying to send, and I think it is highly problematic. The Greens are pleased to support this bill today and the introduction of a point of consumption wagering tax in the territory. I am pleased to support this legislation.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.25), in reply: I thank Mr Parton and Mr Rattenbury for their comments in support of this bill. It implements a new ACT point of consumption tax payable by betting operators, irrespective of whether the operator is based in the ACT or in other jurisdictions. Casino, gaming machine and lottery operators have been specifically excluded.

The tax will be based on the net wagering revenue received by an operator from bets placed or services provided in the ACT or to ACT residents. As members have observed, the tax rate is initially set at 15 per cent of the revenue received, where that revenue exceeds a monetary threshold of \$150,000. The rate and threshold is based on the South Australian model. However, as more jurisdictions implement equivalent legislation and the tax is bedded down here, adjustments may be made to threshold rates to reflect local conditions.

The tax is scheduled to commence on 1 January 2019 and will be administered by the ACT Revenue Office. Operators liable for the tax will need to register with the Revenue Office for the lodgement and payment of the tax by return.

The ACT, like other jurisdictions, has not been immune to the social and economic impacts of online gambling. The introduction of the tax will assist to address some of these issues by ensuring that there is a more level playing field in terms of the tax that online operators are required to pay.

In his comments, Mr Parton referred to funding arrangements for the Canberra racing clubs. I can advise the Assembly that the territory provided around \$7 million in funding to the Canberra racing clubs in the 2017-18 fiscal year, and that funding came directly from the territory budget.

As Mr Parton alluded to, until 2010 the funding of the racing industry was directly linked to the turnover of ACTTAB. The racing industry received 4.5 per cent of gross turnover. As Mr Parton indicated, this made funding levels very volatile and difficult to predict. Following a period of significant downturn in the performance of ACTTAB, the racing industry requested the government to reconsider the funding model for the industry. We did so. At that time, the government agreed to move to budget funding, to give the industry more certainty. The government also agreed at that time to introduce legislation to implement race field product fees. In total, the new funding model provided a significant increase to the overall funding to the industry. The budget funding received by the industry is guaranteed and is indexed each year, regardless of the year-on-year variation in racing sector activity.

This is a very different model in the ACT from that in other jurisdictions. The primary source of industry funding in other jurisdictions is from a direct agreement between the totaliser licence holder and the racing industry, based on a determined percentage of turnover or profit of the totaliser, not the secure, indexed budget funding model that we have in the ACT.

When we compare the ACT industry in terms of its share of national wagering turnover generated, in the 2016-17 fiscal year the ACT racing industry received a funding equivalent of around 6.3 per cent of turnover generated from betting on its product. This compares to the national average of 5.3 per cent. The industry also raises revenue from charging wagering operators for their race field product fees for the use of their racing information. I can advise the Assembly that in 2017-18 these fees raised around \$2.6 million for the industry.

The majority of the point of consumption wagering tax revenue raised by the tax that we are supporting today will be generated through wagering by ACT residents on interstate racing and sports events, not on events that occur inside the territory. The ACT racing industry is well funded compared to other states and territories, and there is not a strong case for the provision of point of consumption tax revenue as additional funding for the industry.

Mr Parton sought further information in relation to how the additional revenue will be expended. That is outlined in considerable detail in the budget papers each year, but



for the benefit of Mr Parton and the Assembly, around one in three dollars will be invested in health, one in four in education, one in seven in municipal services, one in 10 in public order and safety, one in 15 in social services and community services, and around one in 20 in housing.

The exact details of new appropriations and new government initiatives will be outlined in the budget in the 2019 year. As this new tax comes into effect from 1 January, there will be a half-year revenue impact in the current fiscal year. The first full year of the new regime will be 2019-20. It is my view, and the view of the government, that focusing the new revenue on health, education, municipal services, public order and safety, social services and community services and housing would be the appropriate areas to allocate that additional funding to. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR PARTON** (Brindabella) (11.32): I seek leave to move an amendment to this bill that was not circulated in accordance with standing order 178A.

Leave granted.

**MADAM ASSISTANT SPEAKER** (Ms Orr): Mr Parton, I will let you speak, but I do have a ruling.

**MR PARTON**: I move amendment No 1 circulated in my name [*see schedule 1 at page 3737*].

My amendment is very simple, and I am sure that everyone in this chamber understands its intention. My amendment would bring us into line with New South Wales and Victoria in allocating some of the funds raised from this tax back to the racing clubs, which ultimately provide the raw product for the betting operators to offer their services on.

Both New South Wales and Victoria have very quickly identified that if we do not channel funding back to the racing codes they will wither on the vine. That situation applies even more here in the ACT. The funding model provided for thoroughbred racing and harness racing in the ACT is relatively static. In relation to the ongoing funding model set up following the sale of ACTAB, we cannot go back to the days before that happened; we cannot go back to the days when we did not have online betting operators. But as I explained earlier, before the online betting operators came along, the funding models for the various codes worked perfectly. They were cannibalised by the online betting operators. A move like this, as has been the case in New South Wales and Victoria, would bring it back to the status quo.

This amendment does not indicate a percentage share to be distributed back to the codes. I would love to see a percentage level that mirrors New South Wales. In preparing this amendment, we concede it is not for us to pluck a number out of the sky; it is ultimately up to the government to declare a percentage of POC tax revenue.

Ultimately this parliament could pass this amendment. The government could, if they chose, regulate for a percentage of zero. This does not railroad the government into doing anything. All it does is provide the mechanism to do so. It would just have the government acknowledging the importance of the racing codes and ultimately the importance of securing the livelihoods of those involved and the economic benefits of the racing codes of the ACT to preserve this part of our city.

It is my belief that, despite the rosy picture that the Chief Minister painted earlier, if we do nothing in the funding space for our remaining racing codes when all of the surrounding jurisdictions are reaching out to the racing codes in the ways that I explained earlier, our remaining codes will wither on the vine. Perhaps that is what they are hoping for. It is very important to me that we retain thoroughbred racing and harness racing in our city long term.

**MADAM ASSISTANT SPEAKER:** I wish to make a ruling on the amendment just moved by Mr Parton. Standing order 200 states:

An enactment, vote or resolution for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister. Such proposals may be introduced by a Minister without notice.

Mr Parton's amendment proposes that a prescribed proportion of total betting tax paid to the tax commissioner is to be appropriated to the racing clubs. As such, I believe that it breaches standing order 200 and I accordingly rule it out of order.

**MR WALL** (Brindabella) (11.35): On your ruling, Madam Assistant Speaker, standing order 201 states:

A Member, other than a Minister, may not move an amendment to a money proposal, as specified in standing order 200, if that amendment would increase the amount of public money of the Territory to be appropriated.

Mr Parton's amendment does not, in any form, increase the quantum of money to be appropriated. That has been covered in the appropriation bill. All this seeks to do is amend the way in which the funds are expended. The money has been appropriated whether or not Mr Parton's amendment is adopted and accepted. All Mr Parton's amendment would do to the bill is actually inform the government on how that money should be allocated.

I would ask you to consider your ruling. Standing order 201 is also a direct excerpt from section 65 of the commonwealth self-government act establishing the ACT. Therefore, Mr Parton's amendment should be allowed.

**MADAM ASSISTANT SPEAKER:** The ruling has been made on the advice of the Clerk, so the ruling stands.

**MR RATTENBURY** (Kurrajong) (11.37): Madam Assistant Speaker, I think we need to have a think about how to reflect on this. Mr Wall has made some interesting points. I do not want to challenge your ruling, but I think this matter warrants further conversation. I would seek some advice on how we might best address that question.

Debate (on motion by **Mr Coe**) adjourned to a later hour.

## **Red Tape Reduction Legislation Amendment Bill 2018**

Debate resumed from 23 August 2018, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (11.38): I rise to speak to the government's red tape reduction bill. One thing that this bill unequivocally does is mark the final death knell for the fax machine and in some instances the telex as well. The legislation before us is part of a series of bills put forward in the name of red tape reduction. This is a loosely used term at the best of times. Often measures do not go nearly far enough in reducing the impact that government red tape has on business and the community. And often the biggest winners out of these bills are in fact government and the bureaucracy themselves.

However, looking at the nitty-gritty of admin processes and the like, it does seem that many of the provisions in this bill will improve some of the administrative processes and streamline reporting requirements for some organisations and groups. Most provisions relate to the removal of duplicated processes and addressing outdated requirements and bring us up to date in terms of prescribing what formats forms can be lodged in and by what means.

The idea that red tape might actually be reduced is an exciting prospect for the businesses and the organisations captured by this bill and for the community more broadly, but mostly, notably, the biggest winner is the government in its processes and practices.

When bills of this nature are before us they are cautiously welcomed on this side of the chamber, as the Canberra Liberals fundamentally believe in reducing the regulatory burden in the ACT and in particular on business. Ultimately what we would like to see come before us in the way of red tape reduction is legislation and policy ideas with a focus on enhancing innovation, competitiveness and productivity as well as economic growth, and removing any barriers for business and the community in doing so.

The government has titled this a red tape reduction bill. More aptly, it is probably a bureaucracy efficiency measure rather than actual red tape reduction. I acknowledge the efforts, though, made by the minister's office in providing extra information to my

office by way of some expanded information and fact sheets on some of the changes, particularly relating to the Associations Incorporation Act.

This bill amends, as I said in my opening remarks, many acts with references to the compulsory use or allowed use of what have now become outdated communications measures, such as the fax, hence my reference to the death of these technologies. It is great to see that in 2018 we can now accept an email.

A number of acts as well as the Associations Incorporation Act have a number of further amendments. These fall in a wide and varied range of policy and portfolio areas, including the Traders (Licensing Act), Sale of Motor Vehicles Act, Land Titles Act, Nature Conservation Act, Planning and Development Act, Liquor Act, Liquor Regulation, Tobacco and Other Smoking Products Act, and Casino Control Act.

It is crucial that we move with the times and adjust our legislation accordingly, and this bill seems to be moving in the right direction in this pursuit. Again, I reiterate that any legislative changes brought to this place that aim at reducing costs and streamlining the regulatory burden on business and the community are supported by the opposition. We would like to see more of these brought forward. But every time the government does bring one of these measures in we are cautious as to who the winners and the losers might be.

We always check the fine print and ensure that there are no unintended consequences. However, we do agree that this bill incorporates some necessary changes that will enhance the legislative framework that it seeks to amend. The opposition will be supporting the bill.

**MS LE COUTEUR** (Murrumbidgee) (11.42): I rise today in support of the red tape reduction bill, although I note, as Mr Wall did, that it in itself is full of red tape. It is amending over 14 acts, regulations and instruments. Our biggest issue with this bill is simply its title; it is arguably not really red tape reduction. Nonetheless, the changes that are made are positive changes, so the Greens are supporting this however-named bill.

First—and the thing that I will speak most about—is the amendments proposed to the Associations Incorporation Act 1991 and associated regulations, as this is where the bulk of the amendments will take effect. I point out first of all that the name of this bill, particularly in this instance, does not help the community in any way understand the implications of the bill. Given that the majority of the substantial amendments relate to incorporated associations, it would have made more sense to separate these provisions and have a separate bill, better allowing the community sector—which is, of course, largely composed of incorporated associations—to be properly aware of the bill.

Having said this, the proposed amendments do make a lot of sense and, whilst many are minor in nature, together they will streamline processes for incorporated associations. Things like not having to report a change of public officer to the ACT Registrar-General if you are reporting to the Australian Charities and Not-for-profits Commission, the ACNC, and having alternatives to using a common

seal, are minor in themselves but together will assist associations to reduce their own red tape.

The main amendments are in relation to clarifying processes for the resignation of a committee member, clarity on managing disclosures of interest, needing to have dispute resolution procedures, increased clarity on the role of committee members, processes for protecting personal information, and clarifying that a person's mental or physical fitness is directly related to their ability to undertake their role.

I also note the increased revenue threshold for being required to appoint an auditor. This is an amendment I particularly support, as engaging an auditor can be a very expensive and time-consuming exercise for a small organisation. The ability to have their financial statements professionally reviewed still allows for the appropriate transparency and accountability that an auditor would provide.

These amendments make sense. At the same time they do not reduce the ability of funders such as governments to be assured that associations are managing their affairs, including their financial affairs, in ways that are accountable and transparent. The same goes, I believe, for members. I do not believe that any of the changes reduce the rights and obligations of members.

What is going to be important here is that associations are provided with education and information about these changes to ensure they remain compliant. Small organisations will need assistance to understand these amendments and will need assistance to build their confidence so that they can ensure compliance.

I understand that ACTCOSS provided input into earlier consultation about reducing red tape, and I trust that they will continue to be involved as these amendments take place. Perhaps they could be funded to develop resources to assist this process.

Madam Assistant Speaker, as you would imagine, the Greens are not at all keen on amendments to the Nature Conservation Act being dubbed "red tape reduction". The processes around protecting threatened and endangered species are vital to so many species, and it really is offensive for these provisions to be called "red tape" in the first instance. It would have been more appropriate for these provisions to be within a PABELAB, a Planning, Building and Environment Legislation Amendment Bill. As I said, one key result of this problem in naming may be that relevant people and organisations have not realised that this bill is in fact relevant to them.

Having said this, the Greens support the streamlining and clarification of the key threatening processes listing process, as this was indeed largely duplicated in the act. This probably happened through the roundtable process in 2014 wherein the three parties in this place and all key stakeholders went through the bill clause by clause to capture all stakeholders' issues and opinions, and maybe there were more insertions rather than streamlining at that time.

One key implication of the current act is that it was unclear whether the minister or the scientific committee or both should make assessments or provide the advice. This

bill clarifies that it is the scientific committee that does this, rather than the minister. We do support this.

I understand that there has been a nomination for a key threatening process and that the double handling in the legislation became more apparent, so fixing this today will enable the process to continue more clearly. It also seems that there were many places in the Nature Conservation Act where it referred to lists such as key threatening processes lists and that replacing that phrase in the act with “conservation advice” makes more sense in these cases.

Another key part of these provisions better enables the scientific committee to adopt commonwealth conservation advice where relevant. However, it is important to emphasise that these clauses do not water down the ability of the scientific committee to make their own decisions.

I note that the other remaining amendments to the other acts are mainly administrative in nature. For instance, the amendments to the Planning and Development Act simply make sense and ensure that existing processes can be administered more smoothly. The Greens will be supporting the Red Tape Reduction Legislation Amendment Bill 2018.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (11.48), in reply: I thank Mr Wall and Ms Le Couteur for their support of the Red Tape Reduction Legislation Amendment Bill 2018. This is the government’s fifth red tape reduction omnibus bill. As has been noted, it covers a broad range of matters, simplifying life for businesses, for community groups and for members of the public.

These bills form part of our commitment to continually review the existing legislative and regulatory settings to reduce unnecessary costs, remove duplication and improve regulation so that it continues to be both relevant and effective.

The ACT government recognises and values the significant contribution that sporting, religious, art, seniors, multicultural, environment, music, social service, veterans, housing, and many other community organisations make to the ACT. They are indeed at the heart of our Canberran community. Many of these community-based organisations are incorporated associations. They rely on the commitment and enthusiasm of volunteers and members. They may also be charities or service providers that deliver essential advocacy or support services for our community.

This government has a longstanding commitment to removing red tape for not-for-profit organisations so that they can focus on what they do best, which of course is helping the people of Canberra.

Changes this year build on the work that we did last year to reduce duplicate reporting for charities registered with the ACNC. This year we are undertaking the next stage of the reforms by modernising the Associations Incorporation Act 1991, as was requested in our consultations in 2017. In making these changes we are aware that

many organisations are used to working under the current act, so these provisions commence on 1 July 2019 to give plenty of time for organisations to adjust.

The amendments in this bill are focused on areas where changes are necessary to bring the act in line with contemporary practice, where the act is silent and therefore creates ambiguity, or where requirements can be simplified to benefit associations through reduced costs and administration.

A key change in the bill will be to remove references to “trade” in the definition of “financial gain”. This government’s approach to regulation is to ensure that it is proportionate to the size of the organisation and also to the level of risk. Through this bill we will bring the format for financial reporting more in line with national regulatory settings for charities and in line with this approach. The bill also streamlines how we define the size of an organisation for financial reporting and provides greater flexibility for medium-sized organisations in audit requirements, providing the opportunity to reduce costs and administration. The changes will make it easier for the organisations, for their members and for the community to understand the regulatory requirements supporting governance and good practice.

The ACT has made significant progress in streamlining regulation for charities in the territory and will continue to reduce red tape, including advocating for the Australian government to take a greater role in fundraising reform, as through our submissions to the current Senate select committee inquiry and to the review of the ACNC’s legislation which was conducted earlier this year.

Like many things, the nature of fundraising has changed significantly from when states and territories first introduced regulation last century. Fundraising is now a national issue, cutting across borders, using technology in ways that did not exist when the laws were introduced, and operating in an increasingly complex environment of employment and contracting practices.

There are other measures in the bill that are designed to update legislation across the statute book to reflect changes in technology and more contemporary practices for business and the community. In keeping with the intent of modernising, the bill will also deregulate car market operators in the ACT, as the current regulation is now superfluous. People’s approach to selling cars has moved on.

Amendments will also update legislation through the removal of the compulsory use of outdated communication methods across the statute book. The purpose of the amendments is to broaden the range of communication that is available, rather than restrict the nature of communication, and to better reflect modern communication requirements across the statute book.

The bill addresses outstanding legislative remnants from the 20th century, and I for one am willing to let faxes reside in the pages of history along with other things of the 1980s, like big hair, Duran Duran and MC Hammer pants.

The bill will also remove references to obsolete processes and procedures in the Land Titles Act 1925 that may restrict the effectiveness of new systems and potentially confuse customers. These obsolete provisions make reference to exempt requirements

that no longer apply. Other obsolete provisions refer to maps and plan submission requirements where these needed to be submitted on linen paper that can only be sourced from the United Kingdom. If the legislative references to telexes and faxes were past their use-by dates, requirements for maps on parchment are clearly archaic.

The government is also ensuring that our legislation is flexible enough to accommodate new forms of identification. Increasingly people want to be able to access their credit cards and identification documents on their mobile devices. An example of the new form of identification is the digital key pass ID that is issued by Australia Post, which has been approved for proof of ID in licensed premises in other jurisdictions. Access Canberra has recently trialled this system in a number of licensed venues across the city. This bill will facilitate new forms of authorised identification. It will enable the government to flexibly respond to new forms of identification, including digital forms as they continue to emerge. This ensures that the regulatory environment is keeping up to date with people's preferences and with those new forms of technology. The changes will provide greater choice for people required to prove their identity or their age without reducing requirements for the proof of identity.

The ACT government has also committed, with the Australian government, to establishing a common assessment method for the assessment and listing of threatened species. Work to align the ACT's list with those of the Australian government has identified that the listing processes in the ACT legislation are either duplicated in their legislation or could be further streamlined. So this bill addresses the duplication and ensures that the decision-making processes for these important environmental issues are clear and straightforward.

The amendments in the red tape legislation bill reflect the government's commitment to continually reviewing and updating our regulatory settings and our legislation so that it meets the needs of business, of community organisations and of the ACT community as a whole. Regulatory reform and red tape reduction is a priority for this government and will remain so.

We will continue to ensure that regulation and legislation remain relevant and effective over time while delivering enhanced community outcomes. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Crimes (Restorative Justice) Amendment Bill 2018**

Debate resumed from 23 August 2018, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.



**MR HANSON** (Murrumbidgee) (11.57): The Canberra Liberals will be supporting the Crimes (Restorative Justice) Amendment Bill, but before I move to discussion on this important bill I just remind the Attorney-General that Duran Duran are still going strong. They released their album *Paper Gods* in 2015. Not everything from the 1980s has been put in the rubbish bin. But I am happy to let the fax machine go.

This bill makes practical, sensible improvements in the operation of the restorative justice program. Because we have consistently supported the purpose and intent of restorative justice we will aim to support this bill as well. In particular, we have supported the use of restorative justice with younger offenders. As far back as 2015 the use of this approach was showing results. I will quote from the *Canberra Times* in 2015. There is a report titled “Restorative justice program in the ACT a success”. It states:

The positive impact on victims of crime is considerable, allowing them to recover more quickly and provides greater confidence in the justice process.

And the success of the program means it may be expanded to more than young offenders.

In the same report Dr Heather Strang from Cambridge highlighted the effectiveness of restorative justice processes for serious and violent crime, revealing “reductions in trauma symptoms, anger and feelings of revenge in victims, and reductions in recidivism for offenders”.

The ACT Chief Police Officer at the time, Rudi Lammers, was equally supportive in his praise of restorative justice, concluding by saying that the courts were not the answer to everything and there was a desperate need for a different kind of justice, one that better expressed the pain that victims went through. Although RJ, or restorative justice, is by and large a successful initiative, its application does need to be carefully considered and it is not appropriate in many cases.

In addition, I would like to note that the feedback from some who have participated in RJ has indicated that it was not a positive process for them. Clearly, restorative justice can be a very confronting process. Therefore, initiatives to improve the restorative justice regime in the ACT are something that we welcome. And that is the intent of today’s bill.

The bill makes a number of amendments to the Crimes (Restorative Justice) Act 2004. Many of the clauses are technical amendments designed to remove impediments that have become apparent as the program progresses. I will not go through all those changes.

I will make note, though, of the change to the threshold for young offenders to engage in restorative justice rather than having to accept responsibility for an offence. This bill will make restorative justice an option where an offender does not deny responsibility. This change is a worthy one and the reasons behind it have been put forward in public comments by the restorative justice unit senior convenor, Tracey Lloyd, who said:

An offender could plead not guilty for technical reasons but could still take responsibility for the harm that they caused.

If someone is taking responsibility for part of an offence they are able to gain insight and respond to a victim of crime's need.

There are a number of social aspects to consider as well with this bill. Young offenders, in particular, can be intimidated by or mistrustful of traditional justice measures. But the most important aspect that this change makes is that the program now makes it more available to more people. Given we have seen by and large that in the right circumstances this provides good outcomes, then we support that change. I know that this is of particular interest and concern to my colleague Mrs Kikkert, and I believe that she will be making some comments on this bill as well.

In conclusion, the Canberra Liberals support this bill for the improvements the bill makes and reiterate our support for the principle of the restorative justice program.

**MRS KIKKERT** (Ginninderra) (12.02): I rise today to briefly address the amendment bill under debate. This proposed legislation seeks to improve access to restorative justice in the ACT. Whilst the restorative justice scheme focuses primarily on meeting the needs of victims of crime, it is acknowledged that offenders may also benefit from participation in the scheme.

This bill includes provisions that specifically target young offenders, in an attempt to engage more of them in restorative justice. In particular, it shifts the threshold for young offenders who have committed what is defined as a less serious offence to be referred for restorative justice. Under current legislation all offenders so referred must accept responsibility for the commission of the offence.

This bill proposes that young offenders be deemed eligible as long as they do not deny responsibility for the commission of the offence. This seems like a very small change in both wording and meaning, but it attempts to acknowledge that acceptance of responsibility is a subjective test and that a number of young people may not present as accepting responsibility at the point of apprehension by police, potentially creating unnecessary barriers to restorative justice. Of course, it remains to be seen whether or not this amendment will have its intended outcome. It is, however, worth the attempt.

One of the stated purposes for this proposed change in eligibility is to increase the possibility for referrals for young people to be made in diversions from the criminal justice system. In light of known complications with this territory's youth detention centre in particular, this would, in my opinion, be a very good thing.

I have stood many times before in this chamber to raise concerns about this government's management of the Bimberi youth detention centre. Many of the concerns that I, the Canberra Liberals, the Human Rights Commissioner and others have raised have a long history stretching back to the old Quamby detention centre. But they continue causing trouble in our current detention facility. Some of these systemic problems include concerns over human rights compliance, low staff morale, the resulting high number of staff turnover and issues with understaffing.

Understaffing has been a significant issue recently. When Bimberi has insufficient youth workers, the end result is that kids have to be locked in their rooms. There were a total of 34 of these operational lockdowns in the 12 months ended 30 June last year. Then in the next six months operation lockdowns surged to 95 in total. To put this into perspective, this means that children and young people in this territory's youth detention facility were confined to their rooms on average once every other day during this reporting period.

Another significant concern has been this government's failure to guarantee the personal safety of the youths who find themselves in detention. In the same six-month period when 95 operation lockdowns occurred at Bimberi, 10 assaults also occurred. Minister Stephen-Smith has previously stated that such violent incidents are simply what occurs every now and again when you have people like that together. I reject this position of surrender when it comes to vulnerable children and young people.

A 2016 report written jointly by the Australian children's commissioners and guardians identified a number of factors that create opportunities for assault to occur in places of youth detention. Two main factors are inadequate staffing levels and lack of necessary training for staff—issues that this government holds specific responsibility for. Again, paraphrasing another Australian parliamentarian, if a government cannot guarantee the safety of a juvenile detainee then they are failing in their basic requirements as a government.

Poorly run youth detention centres unfortunately often turn into training grounds for adult corrections. Unfortunately, we do not have any clear or reliable data on how often this might happen in the ACT, though I do wish to remind the minister that in October last year she committed this government to working towards creating these data and assuring that the youth justice task force considers this issue as part of its work. For this reason and for the concerns I raised above, I therefore welcome any attempt to decrease the number of children and young people detained at Bimberi if a better solution is available.

This is an important point, and I consider this bill to be a very small step in the right direction. A number of forward-thinking jurisdictions around this planet have had enormous success in treating youth offending by moving away from traditional models of youth justice, no matter how well intentioned, in favour of more robust and thoroughly evidence-based approaches. One of the characteristics that these approaches have in common is an attempt to involve not just the offender but also her or his family and, where possible, the broader social network.

I note with some satisfaction, therefore, that the explanatory notes for this bill acknowledge that restorative justice processes may be tailored to include a young person's community of care; that is, their parents, caregivers, support workers or family members. I respectfully suggest that such progressions not only may but most definitely should extend to a youth's community of care. The best evidence-based programs to rehabilitate youth offenders all take a whole-of-family approach.

We still have a very long way to go in this territory when it comes to getting youth justice right. But we are a small jurisdiction and I am confident that, with the right leadership and policies in place, we would be ideally placed to meet the needs of children and young people who find themselves in trouble. This legislation is certainly a small step in the right direction, and I therefore commend it to the Assembly.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families, Minister for Employment and Workplace Safety, Minister for Government Services and Procurement, Minister for Urban Renewal) (12.08): I also rise to speak on the Crimes (Restorative Justice) Amendment Bill 2018, particularly as it relates to young offenders and access to restorative justice for victims of young offenders.

Before going to my prepared remarks, however, I would seek to remind Mrs Kikkert that the headline indicators report for Bimberi Youth Justice Centre that I committed to establishing last year as part of my ongoing commitment to transparency in the youth justice system was, in fact, tabled in this place on 22 March, along with the mid-term progress report on the blueprint for youth justice in the ACT 2012-22, which I will speak more about in a moment.

The ACT's restorative justice scheme provides the opportunity for eligible and suitable victims, offenders and their supporters to communicate either face to face or by indirect means with the help of a trained restorative justice convenor. The purpose of this communication is to address the harms caused by an offence by discussing what happened, who has been impacted and in what ways, as well as what the responsible person can do to help put things right for victims of crime.

The amendments set out in this bill, as others have mentioned, will allow more victims of crime to access restorative justice, if and when they need or want it, and they have been informed by feedback from referring entities. ACT Policing, the courts, child and youth protection services, the Director of Public Prosecutions, Corrective Services and the Victims of Crime Commissioner all provided input into these reforms.

As the legislation currently stands, for an offence to be referred to the restorative justice unit, they must be satisfied that the offender accepts responsibility for the offence. The bill before us seeks to amend this to allow young offenders who have been charged with a less serious offence to be referred to the restorative justice process when they do not deny responsibility for the commission of an offence.

As Mr Rattenbury said in his presentation speech, and as others have mentioned, this is a subtle but significant change. This amendment recognises that there may be a range of reasons that a person may not accept responsibility for an offence at the time of apprehension, including distrust of law enforcement.

It should be understood, however, that young offenders who access restorative justice under this modified threshold will be subject to the same suitability assessments as other offenders once the referral has been made. This means the young person will

need to accept responsibility for the offence for the purpose of participation in restorative justice and for a restorative justice conference to take place.

I believe that this change strikes an appropriate balance between promoting access to restorative justice for young offenders and providing a safe process for victims of crime. This amendment goes to one of the core principles underpinning the blueprint for youth justice in the ACT 2012-22:

A young person who has offended should be supported and encouraged to accept responsibility for their actions through restorative justice or other appropriate measures.

As members would be aware, the blueprint for youth justice sets the strategic direction for youth justice in the ACT. The 10-year strategy focuses on reducing youth crime by addressing underlying causes and promoting early intervention, prevention and diversion of young people from the youth justice system. The blueprint details seven strategies for long-term change in the ACT youth justice system, including diverting children and young people from the formal justice system.

As I reported when tabling the mid-term progress report on the youth justice blueprint, the progress report showed that the number of young people detained in Bimberi Youth Justice Centre had dropped by 42 per cent over the five years to 2016-17, and by 48 per cent for Aboriginal and Torres Strait Islander children and young people. The report also showed that since 2011-12 the number of young people apprehended by ACT Policing had decreased by 39 per cent, the number of young people under youth justice supervision had decreased by 32 per cent and the number of nights young people spent in detention had fallen by 53 per cent. Those results meant that fewer young people were coming into contact with or becoming further involved with the youth justice system, and we achieved that by focusing on exactly this: prevention, early intervention and diversion.

But we do know that the unfortunate reality is that, once in the youth justice system, the likelihood of young people becoming regular offenders and then entering the adult corrections system later in life increases significantly. Diversion is therefore a critical element of the blueprint and of our response in youth justice. Accordingly, the strategy aims to minimise young people's contact with the formal justice system and thereby improve life outcomes, including by increasing restorative justice options for young people by implementing initiatives to improve the availability and scope of restorative justice options. The amendment before us today is an example of how the government is delivering on this goal.

Taking a restorative practice approach to youth justice has also been identified by the blueprint task force as one of the key themes. Last year, as we approached the midpoint of the blueprint, I announced the establishment of the blueprint task force, comprising key community and government representatives, to advise me on the key priorities for the final years of the blueprint. The task force work has been informed by public workshops and by the five-year progress report on the blueprint, which I mentioned that I tabled earlier this year.

The progress report, as I have said, shows that we are on the right track to achieve the aim of the blueprint: to reduce the rate of youth recidivism, detention and remand, as well as the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system. However, the mid-term report also showed a decrease in the total number of young people referred to restorative justice, and these declined by 35 per cent, from 190 to 123, between 2011-12 and 2015-16. I note that this may, of course, be due in part to the 39 per cent decline in the number of young people apprehended by police during that same period. However, we need to ensure that unnecessary barriers are not preventing young people's participation in restorative justice processes.

Measures such as the important amendments in this bill will help to ensure that young people who are apprehended for less serious offences can benefit, as of course can their victims, when young people take responsibility through the restorative justice process. I commend the bill to the Assembly.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (12.16), in reply: This bill amends the Crimes (Restorative Justice) Act 2004 to provide increased opportunities for victims of crime to access restorative justice in the ACT. It does this by removing legislative barriers which have limited, and in some cases prevented, referrals from being made to the restorative justice scheme.

A key government priority is to ensure that victims of crime have the opportunity to access restorative justice if and when they need or want it. Restorative justice is a voluntary process whereby all parties who have a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future.

The ACT has a long and proud history as a national leader in the use of restorative justice. We are the only jurisdiction to have enacted legislation that specifically relates to the operation of a restorative justice scheme.

Our scheme has delivered, and continues to deliver, positive outcomes for victims of crime. Since it commenced in 2005, offenders have provided more than \$200,000 in reparation to victims of crime and completed more than 7,400 hours of volunteer work for community organisations at the request of the victim of crime. I understand that participants in restorative justice processes are surveyed about their experiences of the process once a conference has taken place. Ninety-eight per cent of survey respondents reported feeling satisfied with their experience of restorative justice conferencing in 2017-18. Victims have also reported that participation in restorative justice has helped them to better understand what happened, to sleep better at night and to regain a sense of control following their experience of crime.

The ACT scheme currently allows for referrals to be made for offences involving young and adult offenders, for less serious and serious offences, and at points across the entire criminal justice system. I am pleased to confirm that the scheme will expand

later this year, when phase 3 is commenced by ministerial declaration. This will allow for referrals of family violence and sexual offences to be made to restorative justice.

In preparation for phase 3, the restorative justice unit has been building its capacity to manage complex offences, establishing service provision agreements with educational and therapeutic service providers, and consulting closely with stakeholders to finalise guidelines for the management of phase 3 offences. Provided that no significant issues arise during the finalisation of this consultation process, I anticipate that phase 3 of the restorative justice scheme will commence on 1 November this year.

Phase 3 commencement day will be a significant moment in the life of the ACT's restorative justice scheme. It breaks down the final legislative barriers which prevented victims of crime from having access to restorative justice simply because they were the survivors of particular offence types. This will complete the rollout of the restorative justice scheme as it was envisaged by the restorative justice subcommittee in 2003.

Today's bill is the result of ongoing consultation between the restorative justice unit and phase 2 referring entities about ways to improve access to the restorative justice scheme. The bill, once passed, will allow more victims of crime to access restorative justice at a time which is right for them. I would like to thank the referring entities who have provided input into these reforms.

I turn now to the amendments made by today's bill. The bill removes a requirement for referring entities to conduct an assessment of an individual's capability to agree to participate in restorative justice prior to referring an offence. This responds to concerns raised by the ACT Supreme Court in the 2016 case of the Queen and Forrest, where then Justice Refshauge identified that referring entities had to draw indirect inferences about a person when that person was not present before them.

Following passage of the bill, this assessment will only be required as a part of a suitability assessment conducted by delegated staff at the restorative justice unit. This simplifies referral processes for referring entities and ensures participants will be subject to a consistent assessment process conducted by officers with experience and training in the use of restorative justice practices.

The bill makes an additional amendment to the eligibility criteria for referral. Currently, for offences to be referred, the referring entity must be satisfied that the offender has accepted responsibility for the commission of the offence. This bill allows for young offenders who have been charged with a less serious offence to be referred to restorative justice where they do not deny responsibility for the commission of the offence.

In 2003 the restorative justice subcommittee of the ACT Sentencing Review Committee considered what accountability thresholds an offender would be required to meet prior to a referral to restorative justice being made. The subcommittee settled upon demonstrating acceptance of responsibility, which they saw as a middle ground between a requirement for an offender to make a formal admission of guilt to the offence and the "doesn't deny" threshold which would allow for referrals where the offender did not deny responsibility for the commission of the offence.

This threshold has been monitored by the Justice and Community Safety Directorate. In 2016 the directorate became aware that there were concerns among some referring entities about how this threshold should operate in practice, with some referrers considering that formal admissions of responsibility needed to be recorded before a referral could be made.

To address these concerns, the bill introduces a limited “doesn’t deny” threshold to young offenders for less serious offences, which recognises that there may be a range of reasons why a person may not initially accept responsibility for an offence at the point of apprehension. Offenders who choose to be silent or have limited engagement with law enforcement officials would be eligible for a referral as they have not made an outright denial of responsibility for the offence. Young people who access restorative justice via this threshold will be subject to the same suitability assessment as other offenders, meaning they must accept responsibility for the offence for the purpose of participation in restorative justice to be able to engage in a restorative justice conference.

This change strikes a delicate balance between promoting access to restorative justice and providing safe and accountable processes for victims of crime. Importantly, this change has the potential to reduce the number of Aboriginal and Torres Strait Islander young people coming into contact with the formal criminal justice system. The “doesn’t deny” threshold supports police, in particular, to actively make diversionary referrals for young people where their actions at the point of apprehension may be influenced by historically based mistrust of law enforcement.

I turn now to an important change made by the bill which supports victim-led referrals. Under the current legislation, opportunities for victim-initiated referrals are limited by a requirement that referring entities must seek the agreement of an offender to participate in restorative justice and provide them with an explanation of restorative justice before a referral can be made. This means the Victims of Crime Commissioner, as a victim-service provider, cannot utilise their referral powers.

This bill supports post-sentence referring entities, including the Victims of Crime Commissioner, to make victim-led referrals in particular circumstances. Having considered the objects of the restorative justice act, a referring entity may decide that it is not appropriate to notify the offender of the referral in the first instance. Referring entities may also consider that, in all the circumstances, it is not reasonably practicable to notify the offender of their intent to refer.

Once phase 3 is commenced, this referral opportunity will provide additional scope for the restorative justice unit to manage offences of sexual and family violence where power imbalances may mean it is not safe to notify the offender at the point of referral that a referral has been made. The amendments only allow for referrals without prior notification of an offender where the offender has been sentenced.

For the purpose of assessing whether the offence is suitable for restorative justice, restorative justice unit staff will need to have access to relevant information about prospective participants. Existing provisions of the act will be relied on to authorise the provision of information by referring entities.



Specifically, section 63 of the act already provides that the director-general or their restorative justice unit delegate may ask a referring entity to provide information about a victim, parent of a victim, an offender or anyone else if the information is necessary for the administration of the act. Referring entities must do everything reasonable to comply with this request.

Reliance on existing section 63 to support the provision of information necessary to decide if a matter is suitable for restorative justice has been acknowledged in the human rights analysis in the explanatory memorandum to the bill, as noted in the comments on the bill made by the scrutiny of bills committee.

However, the scope and nature of information, and the purposes for which it can be requested, relying on section 63, will not change, by virtue only of the fact that, where a referral is made without the knowledge of a sentenced offender, section 63 may be relied on to obtain relevant information about that offender. Existing provisions of the act requiring the protection of such information will continue to support the right to privacy of victims or offenders about whom information is obtained from referring entities.

While at this stage referrals without the knowledge of the offender will only be able to occur where the offender has been sentenced, further consultation will be undertaken to consider whether there is scope for such referrals to occur earlier in the criminal justice system in ways which support victim-led referrals and at the same time protect the human rights of offenders.

I turn now to the provisions in the bill which relate to referrals made by the law courts. The amendments clarify that section 27 of the restorative justice act only applies to referrals made by the court prior to the entry of a plea and transfer the court's duty to provide a copy of a court referral order to an offender and victim of crime to the director-general of restorative justice.

Section 27 referrals trigger additional reporting requirements for the director-general of restorative justice. Currently, the director-general must report to the referring court about the outcome of the restorative justice referral and provide comment about the eligibility of the offence and the suitability of individual participants for restorative justice. The director-general is also required to give a copy of this report to all persons whom the court is aware are a victim, or a parent of a child victim, in relation to the offence.

This bill makes changes to prioritise the privacy of participants in restorative justice processes by removing the requirement for the director-general to report on their individual suitability for restorative justice and instead requiring the director-general to report on the overall suitability of the offence which has been referred. This creates necessary safeguards for victims by reducing the risk that their choice to decline to participate in a restorative justice process will be conveyed directly to an offender.

This bill also amends the requirements placed on the director-general to distribute the report, to ensure that information is only provided to relevant conference participants.

This ensures that a victim's personal conferencing outcome is not divulged to any other person who the court identifies has been impacted by the offence.

I turn now to amendments which will increase ease of access for people with disabilities seeking to participate in restorative justice processes. The bill allows participants to flexibly provide consent for a process where they are physically unable to do so in writing. I would like to thank Women with Disability ACT in particular for their involvement in the development of this reform.

This bill introduces significant reforms which reflect this government's commitment to providing increased access to restorative justice for victims of crime. The amendments create additional opportunities for victims of crime to participate in their criminal justice processes, while delivering safeguards which will strengthen the ability of the restorative justice unit to safely manage family violence and sexual offences when phase 3 of the scheme commences in November.

While the government recognises that restorative justice might not be needed by every victim of crime, or perhaps wanted by every victim of crime, it remains committed to ensuring that all eligible victims of crime have the opportunity to access restorative justice if and when they want it. This is in line with our commitment to building a safer, stronger and more connected, restorative city. I commend the bill to the Assembly, and I thank members for their earlier contributions to the debate.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.30 to 2.30 pm.**

### **Questions without notice** **ACT Health—workplace culture**

**MR COE:** My question is for the Minister for Health and Wellbeing. I refer to an opinion piece in the *Canberra Times* of 12 September by AMA president, Dr Antonio Di Dio. Dr Di Dio wrote:

It's come from what seems to have been a continual series of crises within ACT Health and its inability or unwillingness to deal with the systemic issues. From switchboard fires to data disasters, waiting list blow-outs and persistent allegations of bullying, ACT Health has struggled for a long time.

Minister, why have you been unable or unwilling to deal with the continuing series of crises within ACT Health?

**MS FITZHARRIS:** I thank the Leader of the Opposition for the question. I am able and I am willing. I have spoken on multiple occasions in this place about a series of initiatives, reforms and decisions that I have taken to address a number of the matters raised in that opinion piece on which Mr Coe reflected in his question.

**MR COE:** Minister, why have you failed to support a board of inquiry into the crises facing ACT Health?

**MS FITZHARRIS:** I note that there is a motion on the notice paper for tomorrow. I do not believe that a board of inquiry is warranted.

**MRS DUNNE:** Minister, has your handling of this series of crises in ACT Health made matters worse?

**MS FITZHARRIS:** No, and I do not agree that there has been a series of crises in ACT Health. Again, I ask members opposite to reflect once again on the very hard work of ACT Health, particularly as it has been recently reflected. Members opposite had a lot to say about the initial accreditation report received from the national body overseeing healthcare standards in this country.

It was not a good report in March. It was not a good report. Members opposite had plenty to say about that. What they have not had much to say about at all was the report from the same organisation, the pre-eminent accreditor of hospitals in this country, the Australian Council on Healthcare Standards, that works on behalf of the Commission on Safety and Quality for Australian Healthcare Systems, which gave ACT Health an unconditional—

**Mr Coe:** So you get a pass mark and now you want to be thanked. You want to be thanked for it, do you?

**MS FITZHARRIS:** Yes, in fact, I think ACT Health staff do want to be thanked. ACT Health staff do want to be thanked for the extraordinary work that they have done, particularly in the past three months but that they do every day. You see again and again the Canberra Liberals talking down the ACT health system.

**Mr Coe:** You will take the compliments but not the criticism.

**Mr Rattenbury:** And you will do the criticism and not a compliment.

**MS FITZHARRIS:** Believe me, Madam Speaker, I have taken plenty of criticism from the opposition in this place.

**Mr Hanson:** Mr Rattenbury, less interjecting, please.

**Mr Rattenbury:** You are a joke.

**MS FITZHARRIS:** The Australian Council on Healthcare Standards in July of this year handed down a report—

**Mr Hanson:** Madam Speaker, after a series of interjections, Mr Rattenbury called across the chamber and said to me that I am a joke. I ask that he withdraw.

**MADAM SPEAKER:** I did not hear it but I would just—

**Mr Hanson:** I did.

**MADAM SPEAKER:** Members, while I did not hear it, I have no doubt that there were words that were not flattering to anybody on both sides being put. So I ask all members—

**Mr Hanson:** Madam Speaker—

**MADAM SPEAKER:** Please, let me finish—

**Mr Hanson:** just on your ruling, that is not the case, Madam Speaker. Mr Rattenbury was interjecting. I said, “Stop interjecting.” He said, “You are a joke.” That is the way it went. I would ask him to withdraw.

**MADAM SPEAKER:** I probably did not hear it over Mr Coe’s interjections, Mr Hanson. I just remind everybody—I think I have said it every other week—to show some respect and regard to our fellow members in this place.

**Mr Hanson:** Madam Speaker, on your ruling, I am saying that Mr Rattenbury has made an unparliamentary comment across the chamber. I am asking that he withdraw. If he says that he did not say it, we can check *Hansard*, but it is the normal process that you would invite the member to withdraw.

**MADAM SPEAKER:** Mr Hanson and Mr Rattenbury, I am going to offer, if you believe—I have not heard it; so I will have to go to *Hansard*, or you may offer—

**Mr Rattenbury:** I am happy to withdraw, Madam Speaker.

**MADAM SPEAKER:** Thank you, Mr Rattenbury.

### **Drugs—pill testing**

**MS LE COUTEUR:** My question is to the Minister for Health and Wellbeing and relates to pill testing. Noting the tragic deaths of two festival goers over the weekend at Defqon.1 in Sydney and the hospitalisation of several others with suspected drug overdoses, and noting the recent success of the nation’s first pill testing trial in the ACT, how is the minister engaging with colleagues in other jurisdictions to share the lessons from the ACT experience, and is the ACT advocating for a broader rollout of pill testing through the COAG Health Council?

**MS FITZHARRIS:** I thank Ms Le Couteur for the question. I first note the tragic death of two people over the weekend and the hospitalisation of others, and send my condolences to their families.

The subject of pill testing has been raised since then, most significantly in Sydney and also right around the country. I have certainly shared the ACT's experience with my colleagues in other jurisdictions. I will look forward to seeing them all again in a few weeks at the next COAG Health Council meeting and again offering to each of them the ACT's very considered views on this matter and on the lengthy process that the ACT government went through to determine whether it should proceed with the pill testing trial. I have recently written to the federal Minister for Health after the commonwealth's announcement that it would not allow pill testing to proceed at Spilt Milk, given that it was occurring on commonwealth land. I will continue to offer all the experience we have here in the ACT in terms of forming our decision and in terms of the data and evidence that we received from the pill testing trial conducted earlier this year.

**MS LE COUTEUR:** Noting what you have just said, is the ACT government working with the promoters or the NCA to ensure that there is some way that pill testing can go ahead at Spilt Milk, given the urgency of it as has just been revealed by last weekend's tragic occurrences?

**MS FITZHARRIS:** Certainly in terms of the commonwealth's decision, that is my understanding—that that decision was made—and the contact for that decision has been the federal Minister for Health, in the sense that it was not specifically the NCA's decision, as I understand it. It was a commonwealth government decision. Certainly we have offered and attended a number of meetings—ACT government officials did—with NCA officials and the festival organisers to again provide all the information that we had at hand, to work with them and to share our experience, which was a positive one.

**MR HANSON:** Minister, why has every other government across Australia, both Liberal and Labor, rejected this proposal?

**MS FITZHARRIS:** Because they have not looked at the evidence available. They have not been able to look at the evidence available or explore the benefits of actually conducting a trial like this. Certainly, in the ACT, because of the pill testing trial here, two potentially lethal substances were discovered in pills tested at the Groovin the Moo festival. That information is now available to public health officials and our law enforcement agencies. It is exactly the experience that we had here that I will continue to share with my colleagues. I note that the ACT government has a proud and continuing history as a progressive government, willing to look at issues and take significant decisions to make sure that we can have progressive reform and progressive initiatives here in our own jurisdiction.

### **ACT Health—workplace culture**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. Minister, on 12 September, the media published an opinion piece by the AMA. It was about the need for a board of inquiry investigation into the ACT health system. In that article, the AMA stated:

The cost of poor workplace culture and bullying is just too high to bear.

However, you and the Chief Minister continue to claim that the cost of a board of inquiry is too high to bear. Minister, what is the cost of poor workplace culture and bullying in the ACT health system?

**MS FITZHARRIS:** My understanding and recollection of that article is that it was written in the broadest possible terms. Every organisation has a culture. All organisations can strive to improve that culture. That is exactly what we are doing at ACT Health, and working, of course, with our other public hospital and health care providers in the territory to do just that.

**MRS DUNNE:** Noting that the minister did not answer that question, minister, what are the human costs of a poor workplace culture and bullying in the ACT health system?

**MS FITZHARRIS:** I note, as evidenced most recently by the Australian Council on Healthcare Standards in its report from an independent body, the recognition that there has been a turnaround in workplace culture in ACT Health this year. They reflect repeatedly on the positive workplace culture that they found here when they came in both March and again in August as independent reviewers of ACT Health. That by no means suggests that our work is finished. Indeed, it will continue.

As I announced last week, the ACT government will be establishing an independent review of workplace culture in the delivery of public healthcare services. My intention with that is to ensure that we can learn lessons, that the organisation can heal from some of the more recent public debate about these issues and that those recommendations can inform continued improvement and assurances to the community and to staff about a positive workplace culture in the delivery of public healthcare services for Canberrans.

**MR WALL:** Minister, how many more staff resignations, poor mental health outcomes, attempted suicides and suicides will it take before you understand the human cost of poor workplace culture and bullying in the ACT health system and take the action of initiating a board of inquiry?

**MS FITZHARRIS:** As I have indicated before, I do not believe that the issues at hand warrant a board of inquiry, but I have announced an independent review, as well as a series of other changes at ACT Health. Also, I reflected very seriously, unlike those opposite, on the outcomes of the independent verification of ACT Health contained within the very lengthy Australian Council on Healthcare Standards report received by ACT Health in August this year, which accredits ACT Health unconditionally for the maximum period of three years.

### **Budget—city services**

**MS ORR:** My question is to the Minister for City Services. Minister, how has the community been engaged to participate in the city services budgeting process?

**MR STEEL:** I thank Ms Orr for her question and her genuine interest in city services. I was delighted to present the better suburbs statement 2030 earlier today and I would

like to put on the record my thanks to Minister Fitzharris and members of the Canberra community for helping to deliver this critical piece of work.

The better suburbs program was launched on 19 September 2017 and funding was provided in the 2017-18 budget to deliver this program over a two-year period. Phase 1 of the consultation consisted of feedback on city services provision through the your say website from 15 September 2017 through to 15 November 2017. This phase included a survey, a discussion forum and a stakeholder call for evidence.

Consultation was undertaken through many different mediums: through social and traditional media, through posters in community areas and through postcards in people's letterboxes. In addition, direct consultation was held through pop-up stalls, through roving event visits and via direct emails to over 450 stakeholder groups. Consulting widely and providing different ways to give feedback ensure that many people in our community are able to have their say. At the close of this consultation phase, over 155 pieces of feedback and 1,242 survey responses were provided.

The second phase of the consultation consisted of kitchen table discussions. These conversations preceded the citizens forum and were self-hosted by small groups in the community. The aim was to commence the deliberative stage of engagement and offer deeper feedback from the wider community to be shared at the better suburbs citizens forum to inform their decision-making.

The final phase of consultations was the better suburbs citizens forum itself, which was held over five days in July and August 2018. The better suburbs statement was developed at the forum and sets a future vision for improved delivery of city services in the ACT, and includes priorities for reform that will lead to service standard improvements. The content of the statement has been developed by the 54 community members who formed the citizens forum. It has been a really worthwhile trial.

**MS ORR:** What were some of the key outcomes of this process, and how will it be implemented?

**MR STEEL:** I am pleased to say that the citizens forum has achieved our goal of outlining the priorities for city services and identifying ways to provide more services for Canberrans. The process has paved the way forward for a vibrant, beautiful and livable Canberra, with a vision for our city for 2030.

A common theme of this 2030 vision is connectivity: better connected services to the community, as well as a community that is better connected to government and decision-making, and providing a focus on the services that matter to Canberrans. The forum provided a vision in relation to lakes, ponds and wetlands, and the stormwater system and water quality; street and park trees; household waste and recycling; public spaces waste and recycling; roads; public spaces, parks and open spaces, including mowing; library services; footpaths, verges and nature strips; graffiti and community engagement; streetlights; play spaces; responsible pet ownership; shopping centres; and community ovals and fitness stations. I look forward to working on implementing the statement and acting on the vision that has been delivered by our community for our community.

**MR PETTERSSON:** Did the citizens forum come to a conclusion about the allocation of playground funding?

**MR STEEL:** I thank the member for his question. Work commenced on the participatory budgeting activity to allocate \$1.9 million in better infrastructure funding to play spaces on the last day of the citizens forum. Seventeen stakeholder groups provided submissions for consideration by the forum on play spaces. A member information pack was also provided as a background brief for citizens forum members, and presentations on the day included those from community petitioners, a play space expert and government representatives.

The citizens forum felt that they were not able to make a decision on the allocation of the funding on the final day of the forum. That is why a second play spaces forum day will be held on 22 September, this week, to move forward with decision-making. It is very pleasing to note that 32 of the original forum members have expressed interest in participating in this exciting next stage.

I know that there is a lot of interest from different communities around Canberra that presented to the play spaces forum about the allocation of these funds. I ask that they bear with us for a little longer so that the citizens forum can finalise their deliberations. It is expected that all budgeting allocations will be complete by mid-October 2018.

### **ACT Health—workplace culture**

**MS LAWDER:** My question is to the Minister for Health and Wellbeing. I refer to comments made by the Australian Salaried Medical Officers Federation ACT secretary, Stephen Crook, on 12 September about your plans for a secret inquiry into ACT Health culture. He said:

It needs to be a full judicial inquiry and it needs to be played out in public. They've had these bullying and harassment reviews before and nothing has really changed.

Minister, why have the government's previous bullying and harassment reviews failed to lead to cultural change in ACT Health and Canberra Hospital and health services?

**MS FITZHARRIS:** I note that a number of Mr Crook's claims were incorrect. But, having said that, as I have previously answered already, I have announced an independent inquiry. I am aware of a number of previous reviews into some specific areas within the hospital over a long period. I have announced an independent inquiry into workplace culture in the delivery of public health services and I look forward to providing more information on that in the very near future.

**MS LAWDER:** Minister, will the government have full control over when the report is released?

**MS FITZHARRIS:** I look forward to providing more details about the independent review in the very near future.



**MRS DUNNE:** Minister, what submissions have you received about the importance of the inquiry report being publicly released, and released in full?

**MS FITZHARRIS:** I have given a public commitment to make sure that the final report is made public. Of course, I am taking advice on the issue that everyone involved in this discussion believes is vital, that is, protecting particular individuals who come forward who wish to tell their story.

### **ACT Health—workplace culture**

**MR PARTON:** My question is to the minister for health. I refer to comments made by the ACT president of the AMA, Dr Antonio Di Dio, in the media of 17 September 2018. Dr Di Dio said:

My grave concern is if there is no open inquiry then we are much less likely to get any meaningful data and the exercise may potentially end up like the one we had in 2010, as an unpublished report and fundamentally a waste of time.

Minister, will you table in the Assembly all past reports that the government has received on health culture over the past 10 years within three sitting days?

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

**MR PARTON:** Minister, how many of the recommendations of past reports have been implemented?

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

**MRS DUNNE:** Minister, what guarantees will you give that the final report of the inquiry into ACT Health culture will be made public in full?

**MS FITZHARRIS:** I refer Mrs Dunne to my previous answer.

### **ACT Health—workplace culture**

**MR MILLIGAN:** My question is to the Minister for Health and Wellbeing. On 31 July you stated that calls for an inquiry under the Inquiries Act were “a political stunt”. You went on to claim that even a lower level inquiry into ACT Health staff culture was “not warranted”. On 10 September you changed your position, announcing an inquiry into ACT Health. Why didn’t you support an inquiry on 31 July, given that serious problems with the culture of ACT Health were already apparent?

**MS FITZHARRIS:** I do not believe that a board of inquiry is warranted. I have explained that on a number of occasions. As I have previously stated, I announced last week an independent review.

**MR MILLIGAN:** Minister, why did you dismiss this as a “political stunt”, given that you were already aware of the serious problems within ACT Health?

**MS FITZHARRIS:** I do not believe a board of inquiry is warranted. It was a political stunt—

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

**MADAM SPEAKER:** Resume your seat, minister. Stop the clock.

**Mr Hanson:** The question from Mr Milligan, on relevance, was about any form of inquiry. The minister dismissed an inquiry, including the specific words “lower level inquiry”. The question is about why she dismissed the lower level inquiry; she is turning her attention to the board of inquiry. The line of questioning is about any inquiry which she previously had opposed.

**MADAM SPEAKER:** You have over a minute and a half of two minutes, minister.

**MS FITZHARRIS:** At the time that the board of inquiry was discussed in the chamber, we had recently been through an accreditation process. The outcomes of that full process were not yet fully known, as we had not yet received the final report, if I recall correctly. These issues had not been written about to me by the opposition. We had recently gone through a full day’s hearings with the ACT Health executive, and very few questions were raised by the opposition. The opposition have available to them their membership of a variety of committees in this place, including the health committee. Those avenues were not pursued. That is why I dismissed it as a political stunt on the day.

I have since said that I certainly do not believe that a board of inquiry is warranted, and I have announced an independent review.

**MS CHEYNE:** Minister, do you think the timing is right for a review into workplace culture at ACT Health?

**Mrs Dunne:** The question is out of order. Ms Cheyne was asking Ms Fitzharris for an expression of opinion: “Do you think”.

**MADAM SPEAKER:** Can you repeat the question, Ms Cheyne.

**MS CHEYNE:** Minister, is the time right for a review into workplace culture at ACT Health?

**Mrs Dunne:** On the point of order, I seem to recall during the last sitting period that you said you would not give members an opportunity to rephrase their questions. Ms Cheyne clearly asked Ms Fitzharris did she think. When you asked her what she said, she gave you another form of words.

**MADAM SPEAKER:** You are right. It was applied to, I think, Mrs Kikkert and others who were rephrasing. I am going to rule it out of order and ask people to be very mindful of the standing orders when a question is asked. We will move to questions.

### **Building—quality**

**MR PETTERSSON:** My question is to the Minister for Building Quality Improvement. Can the minister outline for the Assembly how the government is acting to improve building quality in Canberra?

**MR RAMSAY:** I thank Mr Pettersson for his question. The government is solutions focused. That is why we are putting into place very practical measures to ensure that the quality of buildings being built is high. The changes are both in the operational areas and in the policy guiding building in the ACT. We are making changes to ensure that those who are building in Canberra are doing so according to the rules and are building high quality buildings.

That is why Access Canberra has created a rapid regulatory response team in the building inspectorate, to ensure that they can get out to assess building complaints quickly, ideally on the same day that they are made. That is to ensure that noncompliant building is stopped as soon as possible, where appropriate, and to prevent it from escalating.

We will also soon be implementing a series of minimum documentation requirements to obtain a building approval. This will ensure that those seeking to build have put a high level of consideration into the design and construction of their building, and also that building certifiers must see and analyse a higher level of documentation than is currently required.

These are just two of our immediate reforms. The improving the ACT building regulatory system review identified 43 reforms, which we accepted and are rolling out in a coordinated and systemic way. That is why we are working with our colleagues in other jurisdictions to make changes to the national system. As other opportunities present, we will also make those changes. We will continue to consistently and carefully change the building regulatory system to ensure compliance with the law and higher quality buildings.

**MR PETTERSSON:** Can the minister outline how having a rapid regulatory response will help improve building quality in Canberra?

**MR RAMSAY:** I thank Mr Pettersson for his supplementary question. Access Canberra's rapid regulatory response team is designed to ensure that complaints are dealt with quickly and that issues do not escalate. We know that the cost of fixing a problem in a building increases substantially once it is complete. That is why the team is designed to get out on site and to undertake preliminary assessment of the issue as soon as they can after a complaint is received.

Once out on site, the inspectors will determine whether a breach has likely occurred and prevent further work being done if necessary. Importantly, they can also quickly determine if there has not been a breach of building regulations and pass the complaint on to a more appropriate area if necessary.

This rapid response supplements the work that is being done by the building inspectorate. By gathering the details and conferring with subject matter experts for those issues that we need to look at in more depth to determine which cases need further attention, the team will help to ensure that cases are dealt with in the most efficient way possible.

Most importantly, this is about giving the community confidence in the regulator: confidence that their complaint has been heard, that someone has come out and assessed the issue and that the process is in train; and confidence that where significant issues present themselves or the work is unauthorised, the work will be stopped.

**MR PARTON:** Minister, will more inspectors be required?

**MR RAMSAY:** I am pleased to note that the current budget—which I note, by the way, Mr Parton voted against in the last sitting period, along with everyone else opposite—will be providing for additional building inspectors to ensure that the response can be rapid. That is part of the way that this government is making it very clear that building quality improvement is a priority. We will be following through on that priority. We are working with the rapid regulatory response team on a range of other improvements.

### **ACT Health—workplace culture**

**MRS KIKKERT:** My question is to the Minister for Health and Wellbeing and relates to the proposed inquiry into the ACT health system. Minister, under the Inquiries Act, and I quote:

The proceedings of a board of inquiry are taken to be proceedings of public concern for the Civil Law (Wrongs) Act 2002, section 139 (Defences of fair report of proceedings of public concern).

Will your proposed inquiry be taken as a proceeding of public concern and have the defence of fair reporting?

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

**MRS KIKKERT:** Minister, what protection for public reporting will be guaranteed under the proposed inquiry?

**MS FITZHARRIS:** I will outline that when I provide a further update on the terms of reference for the review.

**MRS DUNNE:** Minister, if this inquiry is not a matter of public concern that should have protection, what is it?

**MS FITZHARRIS:** It is an independent review into the workplace culture in the delivery of public healthcare services in the ACT.

### **ACT Health—workplace culture**

**MR WALL:** My question is to the minister for health and relates to the proposed inquiry into the ACT health system. Minister, in an inquiry conducted under the Inquiries Act, there are strict rules about the misuse and disclosure of information obtained as part of that inquiry. Breaching these rules incurs serious penalties, including jail sentences. Minister, will your proposed inquiry have the same protections against misuse and disclosure of information, and under what legal instrument will that protection be provided?

**MS FITZHARRIS:** I note that it is not a review, and I do not believe that the opposition has called for a review into the health system. Certainly, as I have indicated previously, I look forward to updating the community and the chamber on the terms of reference for this independent review.

**MR WALL:** Minister, what penalties for disclosure or misuse of information will be included in your inquiry, and will they include custodial sentences?

**MS FITZHARRIS:** I refer Mr Wall to my previous answer.

**MRS DUNNE:** Minister, how will witnesses be protected when providing sensitive information if there are not rules against misuse and disclosure similar to those in the Inquiries Act?

**MS FITZHARRIS:** I refer Mrs Dunne to my previous answer.

### **ACT Health—workplace culture**

**MR HANSON:** My question is to the minister for health and relates to the proposed inquiry into the ACT health system. Minister, under the Inquiries Act, the board has the power to:

... require the person to appear before the board at a hearing, at a stated time and place, to do either or both of the following:

(a) to give evidence;

(b) to produce a stated document or other thing relevant to the hearing.

The board may also require a witness appearing to give evidence under oath.

Minister, will your proposed inquiry have the power to compel witnesses to appear or produce documents?

**MS FITZHARRIS:** I refer to my previous answers.

**MR HANSON:** Minister, will your proposed inquiry have the ability to require witnesses to give evidence under oath?

**MS FITZHARRIS:** I refer to my previous answer, Madam Speaker.

**MRS DUNNE:** Minister, what steps can your proposed inquiry take if a person refuses to give evidence?

**MS FITZHARRIS:** I refer Mrs Dunne to my previous answer.

### **Land—section 72, Dickson**

**MS CHEYNE:** My question is to the Minister for Urban Renewal. Minister, how will the recently launched second stage of community engagement for section 72 shape the future of this important part of Dickson?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for her question. The second stage of community engagement for section 72 does indeed provide a great opportunity to continue the public discussion on the future of this part of Dickson. Dickson section 72 is a unique part of Canberra that offers the potential to provide more community facilities, innovative housing models and more affordable and social housing in the inner north. This will include Canberra's second Common Ground, a housing service for homeless and low income individuals and families, which is an ACT Labor election commitment.

**Ms Cheyne:** On a point of order—

**Ms Le Couteur:** On a point of order—

**MADAM SPEAKER:** Points of order from two members. I believe they are about the noise coming from members of the opposition. Can you please stop interjecting and having loud conversations. Minister, continue.

**MS STEPHEN-SMITH:** Thank you, Madam Speaker. As I was saying, this will include Canberra's second Common Ground, a housing service for homeless and low income individuals and families, which is an ACT Labor election commitment. I commend the Deputy Chief Minister for her tireless efforts in driving this project.

If you visit section 72 today you will see derelict buildings and empty blocks next to community facilities like the Dickson pool, Majura Tennis Club and Northside Community Services. The site's proximity to services at the Dickson group centre and public transport makes this an urban renewal project with great opportunity to benefit the residents of Dickson, Downer and the wider inner north community.

Following the feedback that was collected in the first stage of community engagement, two design scenarios have been developed to show how the future of

section 72 might take shape. Both scenarios have common design elements like better cycling and active travel infrastructure, new and infill tree plantings and new, high quality public open space. It is also clear what is out of scope for the project, which includes any changes to the Dickson pool and community centre. Information collected during this stage of engagement will be important in guiding the future planning and design of the precinct.

*Opposition members interjecting—*

**MADAM SPEAKER:** Before I give anyone else the call, Mr Coe, Mr Hanson and the late players into the field, Mr Parton and Mrs Dunne, enough. Can we just get to the end of question time without my having to bring you to order.

**MS CHEYNE:** Minister, how can residents of the inner north and the broader community engage in this community engagement?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for the supplementary. The government is committed to working with residents of the inner north and the broader community to look at scenarios which have been released and to shape future land use and public spaces at section 72. This work builds on the vision established through the first stage of community engagement.

The vision for section 72 establishes that process: “Dickson Section 72 will be a lively, safe and accessible community use/residential precinct that encourages active lifestyles, offers innovative housing options, and celebrates the area’s natural attributes and existing uses.”

There are a number of ways to get involved in the second stage of community engagement, including taking an online survey via the ACT government’s your say website, where people can share their ideas on the draft planning scenarios and future uses—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe.

**MS STEPHEN-SMITH:** I encourage Mr Coe to do so. It also includes attending an interactive drop-in session this Saturday, 22 September—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, you are warned.

**MS STEPHEN-SMITH:** from 11 am to 4 pm at 16 Challis Street in Dickson and attending information stalls at Dickson shops on Tuesday, 25 September and Wednesday, 10 October.

Community councils play an important role in consulting on any project like this, and representatives from the Environment, Planning and Sustainable Development

Directorate will be attending tomorrow night's North Canberra Community Council meeting to brief members and interested community members on what the government heard in the first stage of community engagement, outline the two design scenarios and seek feedback.

This engagement process is vital to ensuring that the Canberra community has a say in the future of this important precinct and that future development is balanced with improvements to the public realm and wider infrastructure upgrades.

The consultation is open until Friday, 26 October, so there is plenty of time for Mr Coe to have his say. People will have until then to have their say to help shape Dickson 72 into the future.

**MS CODY:** Minister, can you update the Assembly on what the government learnt from the first stage of consultation?

**MS STEPHEN-SMITH:** I thank Ms Cody for her supplementary question. As part of the stage 1 engagement, the ACT government also used a range of methods to encourage people to share their views. These methods included a community workshop, information kiosks, meet-the-planners sessions, emails, written submissions and comment made on social pinpoint on the your say project website.

Running from 23 January to 16 March this year, stage 1 of community engagement for section 72 showed that Canberrans do indeed care about what happens on this site, with 1,262 people taking part via the your say website and at least 203 individuals having face-to-face contact with directorate officials.

The first stage of engagement told us that there is support for a number of uses for the site, including residential, active travel, community facilities and green spaces. Canberrans want to see a high-quality housing mix that is sustainable, supportive and enables people to age in place. People want to see walking and cycling prioritised over cars, with better active travel infrastructure and connections into and through the site. We have heard that the trees and landscape characteristics should be protected, whilst providing more active and creative spaces such as playgrounds, parks, community gardens and a central meeting point for social interaction.

Density of the site is also a concern. Key messages received relate to integrating development into the landscape and tree line of the precinct, with preferably low rise medium density development with active interfaces to the public spaces. We have distilled this feedback into the vision I described in my previous answer, supported by planning and design principles. Again, I encourage everyone to engage in the next round of consultation.

### **ACT Health—workplace culture**

**MISS C BURCH:** My question is to the Minister for Health and Wellbeing and relates to the proposed inquiry into the ACT health system. Minister, in an inquiry conducted under the Inquiries Act, board of inquiry members are provided with “the



same protection and immunity as a judge of the Supreme Court in proceedings in that court”. Minister, will you guarantee that board members of your proposed inquiry will receive the same protection and immunity as that provided under the Inquiries Act, and under what legal instrument will that protection be provided?

**MS FITZHARRIS:** No, I will not, and that is because this matter of workplace culture does not warrant a royal commission.

**MISS C BURCH:** Minister, will you guarantee that any and all board members are completely independent of your government?

**MS FITZHARRIS:** Yes.

**MRS DUNNE:** Minister, will the government indemnify board members against civil claims, and under which legal authority will you do so?

**MS FITZHARRIS:** I will take that on notice.

### **ACT Health—workplace culture**

**MS LEE:** My question is to the Minister for Health and Wellbeing and relates to the proposed inquiry into the ACT health system. Minister, in an inquiry conducted under the Inquiries Act 1991, a person subpoenaed to attend or appearing before a board as a witness has “the same protection and is subject to the same liabilities as a witness in proceedings in the Supreme Court”. Minister, will your proposed inquiry have the power to subpoena witnesses, and under what legal authority will it do so?

**MS FITZHARRIS:** I repeat a number of my previous answers. There is no proposal that I am aware of to inquire into the ACT health system, which the opposition have repeatedly claimed. I have announced an independent review into workplace culture in the delivery of public healthcare services. I will, in the coming days, provide further information for the community and for the Assembly around a number of serious matters relating to commitments that I have already provided: that the review will be independent; that people wishing to come forward will be protected; and that a final report will be made public. I look forward to making further announcements in the very near future.

**MS LEE:** Minister, will you guarantee that witnesses appearing at your proposed inquiry or review have the same protections as a witness in proceedings in the Supreme Court, and under what legal instrument will that protection be covered?

**MS FITZHARRIS:** I refer Ms Lee to my previous answers.

**MRS DUNNE:** Minister, will witnesses at your proposed inquiry, review or whatever you like to call it, be subject to the same liabilities? For example, will they be subject to the rules of perjury?

**MS FITZHARRIS:** I refer Mrs Dunne to my previous answers.

**Government—space industry policy**

**MS CODY:** My question is to the Minister assisting the Chief Minister on Advanced Technology and Space Industries. Minister, why is the space industry important to the territory?

**MR GENTLEMAN:** I thank Ms Cody for her interest in new opportunities across the territory. Space is the final frontier that continues to amaze and inspire. While humankind has achieved much, there is still so much more to do. In our nation's history, Canberra has led and had a prominent role in Australia's space endeavours, from the construction of the Oddie telescope dome at Mount Stromlo in 1911, as the first commonwealth building in Canberra, to transmitting the first historic pictures of man walking on the moon in 1969, to the design and manufacture of Australia's first cube satellite in 2017.

We may not launch rockets or have astronauts but our territory has been at the heart of the space industry with communications and other innovations, none more so than the moon landing talked about earlier. Next year marks the 50th anniversary of this historic event. I remember, as a young teenager, the excitement in the room as my dad and his team in PMG played a role as NASA received the images that came from Honeysuckle Creek to Deakin and then to NASA. Since that time this city has built on its success, establishing a thriving and significant space capability.

*Opposition members interjecting—*

**MADAM SPEAKER:** Mr Coe, Mr Hanson, let the minister answer the question.

**MR GENTLEMAN:** Our city has played a significant role in major space events. This government will work with our companies, scientists, engineers, researchers and the Canberra community to make sure that we continue to play that role into the future. Space has a unique ability to excite and inspire. I thank the Chief Minister for the opportunity to turn a long-held personal interest into a professional one, furthering our territory's endeavours. *(Time expired.)*

**MS CODY:** Minister, what contribution does the space industry make to the territory?

**MR GENTLEMAN:** The space industry contributes a great deal to the ACT in a number of ways. Many technologies originally developed for use in space benefit our lives every day. From the satellite telecommunications we rely on for our GPS and mobile phone networks, through to advancements in biomechanical and biomedical research and more, advancements in technology connected to space research have improved all of our lives as well as our understanding of the universe.

Research connected to space is taking place in Canberra right now across local research institutions and private companies. Beyond the scientific and research benefits, the space industry also means jobs. Globally, the space industry employs tens of thousands of people, is worth more than \$400 billion and is expected to grow exponentially into the future. The space industry, through the jobs it creates and the investment it drives into research and development, is increasingly important.

Almost one in four Australian space industry jobs are already based in Canberra. We are the home of the next generation of researchers, engineers and scientists that will support the future growth of the space industry and a number of leading private companies already run their space operations from Canberra.

Back in 2015 the government identified the space industry as a priority sector to achieve economic diversification and growth in the region. Since then, the government has provided leadership in the national conversation to develop the national space industry, including a space agency, and has been active in collaborating with other states and territories.

We are proud of the many talented people and world-class facilities in Canberra that make a significant contribution not only to Australia's space industry but also to our own knowledge economy. Going forward, the ACT government is committed to working with our local industry to strengthen Canberra's space sector.

**MS ORR:** Minister, why is Canberra the natural home for the national space agency?

**MR GENTLEMAN:** I thank Ms Orr for the question. I could say it is because we are the national capital—the home of national institutions—but there are many more reasons as well.

Our case rests on the fact that the Australian Space Agency is best served by the talent, resources and policy experience already located in Canberra, all presented within an exceptional space ecosystem, which means that you have a compelling case to permanently place the agency in Canberra.

We also have a significant and established space capability ecosystem, including an end-to-end capability for the design, test and manufacture of Australia's next generation of micro and small-scale satellites using state-of-the-art facilities at ANU's Space Test Facilities Centre and UNSW Canberra's Space Mission Design Facility. ANU and UNSW Canberra are Australia's most active higher education institutions in space-related disciplines. We are also home to one of three deep space communication facilities operated by NASA worldwide. CSIRO's Centre for Earth Observation has just been headquartered in Canberra, and will be a catalyst for engagement with Australian businesses, government agencies and research organisations.

The Space Environment Research Centre located at Mount Stromlo, combined with EOS Space Systems, makes Canberra a leader in space situational awareness and debris monitoring. Geoscience Australia's satellite-based augmentation system, national positioning infrastructure capability and digital earth are all managed in Canberra and supported by the national computational infrastructure at ANU, which recently received an additional \$70 million in commonwealth funding. The innovative and strong space capabilities of our SMEs like EOS, SkyKraft, Equatorial Launch Australia, Geoplex, Geospatial Intelligence, Locata, Quintessence Labs and Liquid Instruments, as well as Canberra-based primes such as Lockheed Martin and the rest, means that there are clear advantages to having the agency based here. (*Time expired.*)

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

## Papers

**Madam Speaker** presented the following papers:

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual Report 2017-2018, dated 3 September 2017.

Ombudsman Act, pursuant to section 21—ACT Ombudsman complaint statistics—Quarterly report for the period 1 April to 30 June 2018 and annual report for the 2017/18 financial year, dated 9 August 2018.

Budget protocols—Letter to the Chief Minister from the Speaker, dated 21 August 2018, together with the Budget Protocols Agreement for the Office of the Legislative Assembly and Officers of the Legislative Assembly.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Report for the period 1 January to 30 June 2018, dated 31 August 2018, prepared by Professor Dennis Pearce.

Estimates 2018-2019—Select Committee—

Schedule of answers to outstanding questions on notice for the period 31 July to 31 August 2018, dated 18 September 2017, including a copy of the relevant answers.

Request for copies of services contracts between Icon Water and ActewAGL—Letter to the Chair from the Managing Director, Icon Water, dated 31 July 2018.

Number of preschool places planned for Margaret Hendry School, Taylor—Information provided to the Select Committee on Estimates 2018-2019—Letter to the Speaker from the Minister for Education and Early Childhood Development, dated 4 September 2018.

Question on notice No E18-564—Information provided to the Select Committee on Estimates 2018-2019—Letter to the Speaker from the Minister for Housing and Suburban Development, dated 4 September 2018.

Standing order 191—Amendments to the Veterinary Practice Bill 2018, dated 28 and 29 August 2018.

**Mr Barr** presented the following papers:

Administrative Arrangements—

Administrative Arrangements 2018 (No 1)—Notifiable Instrument NI2018-482, dated 24 August 2018.

Australian Capital Territory (Self-Government) Ministerial Appointment 2018 (No 1)—Notifiable Instrument NI2018-483, dated 24 August 2018.

Public Sector Management Standards, pursuant to section 56—Engagements of long term senior executive service members—1 March to 31 August 2018, dated September 2018.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Chief Minister, Treasury and Economic Development Directorate—Freedom of Information request—Decision not made in time, dated 2 September 2018.

**ACT and Region Catchment Management Coordination Group—annual report 2017-18  
Paper and statement by minister**

**MR GENTLEMAN** (Brindabella—Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.22): For the information of members, I present the following paper:

Water Resources Act, pursuant to subsection 67D(3)—ACT and Region Catchment Management Coordination Group—Annual report 2017-18.

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

Leave granted.

**MR GENTLEMAN:** Madam Speaker, I am pleased to table the 2017-18 annual report for the ACT and Region Catchment Management Coordination Group. On 4 August 2015, the ACT Legislative Assembly amended the Water Resources Act 2007 and established the coordination group as a statutory body. The coordination group's membership includes the relevant CEOs of the key ACT directorates, Icon Water, and the National Capital Authority; and the general managers of south-east Local Land Services, Queanbeyan-Palerang Regional Council, Snowy Monaro Regional Council and Yass Valley Council respectively. The group is independently chaired by Emeritus Professor Ian Falconer and the community is represented by water expert Dr Fiona Dyer, from the University of Canberra. I have met with Professor Ian Falconer several times this year to receive updates on the coordination group's business.

The catchment strategy seeks to improve resilience and the ability to address change for the ACT and region, particularly in terms of increased potential for temperature rises, rainfall variation and more extreme climate events, such as bushfires and flooding, and changing land use, particularly increased development. The annual report details the major achievements of the coordination group, provides an update on the broader progress on implementation of the catchment strategy and sets out the priorities for 2018-19.

To date, three of the 19 actions contained within the catchment strategy are complete, 10 are underway and progressing well, and the remaining six are not yet planned for commencement. This is a commendable achievement, since the strategy was only agreed by government in August 2016 and many of the actions were unfunded at the time.

The coordination group's annual report provides the following highlights: finalising a framework for interjurisdictional catchment management decision-making; reaching in-principle agreement to cost-sharing arrangements for key projects identified in the catchment strategy; supporting the ACT government's endeavours to develop interjurisdictional water trading arrangements as a method of optimising unused water entitlements to provide a funding stream for enhancing catchment management in the region; strategically reinforcing the role of community-based catchment groups by supporting the ACT government's contribution of \$352,000 to transition to a more sustainable operating model; and finalising the drafting of a regional post-emergency recovery framework which considers the causes and threats to our catchment, and the steps needed to recover in the event of a major disaster if it occurs. You would also have noticed that the H2OK stormwater education program is in full swing, promoting the central message "Only rain down the stormwater drain".

The government supports the proposed activities of the group for 2018-19, including: opportunities for a wider uptake of citizen science data through bodies such as Waterwatch and Frogwatch; continuation of the H2OK education program; investigating opportunities for drought resilience in relation to securing long-term water supplies for the ACT and region; reducing sediment, nutrient and pathogen loads to waterways at key sites across the region; and exploring ways to increase Aboriginal involvement in water planning and management.

I want to thank Professor Falconer, chair of the coordination group, and other members for their time and commitment. Professor Falconer brings a wealth of technical expertise and experience to the group, and his dedication to working together across borders will ensure that the work of the coordination group is valuable to the ACT and our regional counterparts. I commend the report to the Assembly.

### **Our Booris, Our Way—interim report Paper and statement by minister**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families, Minister for Employment and Workplace Safety, Minister for Government Services and Procurement, Minister for Urban Renewal) (3.26): For the information of members, I present the following paper:

Our Booris, Our Way—Interim report, dated August 2018

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

Leave granted.

**MS STEPHEN-SMITH:** I am pleased to provide the Our Booris, Our Way interim report to the Legislative Assembly. As members know, in June 2017 I announced a review to look at the experiences of Aboriginal and Torres Strait Islander children and families involved with the child protection system. Although Aboriginal and Torres Strait Islander children and young people are three per cent of all children and young people in our community, they make up 28 per cent of those in out of home care. This

over-representation is unacceptable and requires attention, understanding and resolution.

The review *Our Booris, Our Way* has the primary focus of informing systemic improvements in child protection systems, policies and practices. The review seeks to understand the reasons why children and young people are entering care and to develop strategies to reduce the number of Aboriginal and Torres Strait Islander children and young people entering care, to improve their experience and outcomes while in care, and exit children from care through restoration to their families where possible.

The *Our Booris, Our Way* review is built on the principle of Aboriginal and Torres Strait Islander self-determination. To this end, the review is overseen by a wholly Aboriginal steering committee. This committee first came together in two co-design sessions in October and December 2017 in which they established the scope for the review. Further community members were added during this time, including the chairperson, Ms Barbara Causon. The steering committee first met as a complete group in February 2018.

I have been kept informed of the work of the steering committee by meeting with the committee in April this year as well as through regular quarterly meetings with the chair, Ms Causon. I commend the steering committee on their commitment to this work and the high quality of their interim report, and I look forward to my continued work with them.

I also acknowledge the difficult role each member of the committee has in bringing their cultural knowledge and connection to bear on behalf of the Aboriginal and Torres Strait Islander community. I know this work is personally challenging for each member.

The *Our Booris, Our Way* review is based on a model that has not been implemented in the ACT previously. *Our Booris, Our Way* is undertaking a thorough review of approximately 350 Aboriginal and Torres Strait Islander children and young people involved with the child protection system.

These case reviews are grounded in the Aboriginal and Torres Strait Islander placement principles. These principles are considered best practice when working with Aboriginal and Torres Strait Islander families involved with child protection Australia-wide, and the review will give us a benchmark as to how the ACT is currently performing against them.

The review team is also speaking with families, carers and children and young people to hear their stories and understand how the child protection system impacts them. It asks people with lived experience: "What do you want this system to look like in the future?"

In addition to this work, the steering committee is speaking with many organisations and individuals. Through a combination of these consultations and the data from case reviews we can expect their final report, due in September 2019, to present a thorough

view on how the Aboriginal and Torres Strait Islander community is faring in regards to child protection and what we need to do to turn around their unacceptably high rate of involvement in the system.

In June 2018 the steering committee wrote to the Community Services Directorate outlining some early recommendations. These recommendations were formally presented to government in August as part of the steering committee's interim report, which I am tabling today. The formal recommendations go to the cultural proficiency of child and youth protection service staff, training on the Aboriginal and Torres Strait Islander child placement principles, implementation of the Aboriginal and Torres Strait Islander child placement principles in policy and practice, and access to family group conferencing for all Aboriginal and Torres Strait Islander families in the statutory system.

The Community Services Directorate has already started work to implement these recommendations, including immediate actions such as the development of a designated Aboriginal and Torres Strait Islander practice leader position within child and youth protection services. The Aboriginal and Torres Strait Islander practice leader will have a key role in supporting the embedding of the SNAICC Aboriginal and Torres Strait Islander child placement principles.

There is continued support for staff to undertake the child and youth protection services cultural development program, which is designed to provide staff with an understanding of Aboriginal and Torres Strait Islander cultures and has a strong focus on collaboration and the establishment of positive working relationships.

In addition, SNAICC has been engaged to undertake training for staff on the implementation of the Aboriginal and Torres Strait Islander child placement principles in practice. A practice guide is being developed for staff on the implementation of the Aboriginal and Torres Strait Islander child placement principles and practice and, finally, a process is being established to ensure that all Aboriginal and Torres Strait Islander families allocated for appraisal are actively considered for either family group conferencing or functional family therapy child welfare or both where it is appropriate.

As part of the directorate's commitment to cultural proficiency, CSD commissioned three screenings of the 2017 film *After the Apology*, directed by Professor Larissa Behrendt. These were attended by over 500 staff, including many from child and youth protection services. I was pleased to join them at the third screening last week.

The film follows the journey of four Aboriginal grandmothers challenging government policy to bring their grandchildren home. While confronting, it provides an opportunity for staff to reflect on past and current practices to ensure that we are moving towards culturally safe practices that better support our community.

As described by the steering committee in the interim report, the early recommendations are intended to:

... accelerate improvements to the child protection system so that the community may see change during the Review.



This is a sentiment I fully support, having said from the start that we will not stand still while this review is underway. While this important work continues, the ACT government is implementing early intervention and prevention strategies in partnership with the Aboriginal and Torres Strait Islander community and organisations, including family group conferencing and functional family therapy. I will be meeting the steering committee in October to discuss the report, and I expect further recommendations throughout the review period, which I welcome.

The interim report flags future priority areas of focus for the steering committee which are considered and timely. There is, of course, a broader perspective. I recognise the need for an intense, integrated and coordinated effort across all ACT government directorates to work together to ensure that we improve service delivery for the Aboriginal and Torres Strait Islander community.

This interim report marks the beginning of fundamental and systemic change in the ACT in the way Aboriginal and Torres Strait Islander people will experience the child protection system in the future. I will not pretend that these changes will be easy or will all be smooth sailing, but our community can only be strengthened when we work in partnership with our First Peoples and act on their solutions.

I again thank the Our Booris, Our Way steering committee for its work to date and for the interim report. The work the steering committee and review team are undertaking is detailed and difficult but I believe it will lead to real improvements in the child protection system.

**MS LE COUTEUR** (Murrumbidgee) (3.34), by leave: This is very important work and I commend the steering committee for putting together the interim report and the recommendations to see that action starts as soon as possible. I also welcome the government's commitment to implement these recommendations before the final report is handed down next year. The minister has already begun work on a number of them, especially in the cultural competency and training spaces, and continuing support for the positive pilot of family group conferencing.

I also acknowledge the government's appointment of an all-Aboriginal and Torres Strait Islander steering committee, and I share the hope of the steering committee that this indicates the government's willingness to listen to their call for "self-determination to find and manage our own solutions and support services".

As is clearly articulated in this report, Aboriginal and Torres Strait Islander families should not be punished for their circumstances but guided to find the right services and supports when challenges arise. In the context of much-publicised and disturbing statistics on the rate of removal of Aboriginal and Torres Strait Islander children in the ACT, it is worth reflecting for a moment in the Assembly on this: what if more than a quarter of all children in the ACT were in out of home care? The Canberra community would come to a complete standstill. The scale of disruption, distress and grief would be overwhelming to put it mildly. But that is the everyday reality for Aboriginal and Torres Strait Islander families and their children.

Not only this, but more than a third of all emergency action is taken on these families where authorities come and remove a child believed to be at imminent risk, meaning that these children are often subject to more traumatic separations from their family. We need to urgently address the core issues that perpetuate these situations and the recommendations of the interim report should be implemented without delay.

It is really rather baffling to put it mildly that some of these recommendations even have to be made. For example, recommendation 2, that child protection workers should be trained on the five Aboriginal and Torres Strait Islander child placement principles. You would not let someone operate a forklift without training, and neither should we have child protection workers operating without the appropriate tools and training for the job, for their own sake as well as that of the children and families who are their clients.

As highlighted in the priority areas of focus, this needs to be complemented with workforce attraction and retention strategies so that Aboriginal and Torres Strait Islander staff are engaged at senior levels where their knowledge and experience can have an influence on workplace practice and culture.

I draw attention to another particularly concerning issue for kinship carers of children in formal, out of home care arrangements. Again, this is a situation where Aboriginal and Torres Strait Islander people are over-represented, especially Aboriginal and Torres Strait Islander women looking after their grandchildren. These are women in their 50s and 60s looking after two, three, four, sometimes even five children from toddlers to teenagers.

In some cases, the care for the children has been arranged informally in order to avoid coming into contact with the child protection system, in other words, parents are sometimes undertaking protective action regarding their children by requesting that a grandparent take over as the primary carer of their children. This, of course, is what we want: fewer Aboriginal and Torres Strait Islander kids coming into statutory services. But, on the other hand, it appears that we do not provide support to these kinship carers because, technically, of course, these kids are not in care.

The reality that we are aware of is that single grandparents are out there taking care of these kids. Sometimes these grandparents are struggling to make ends meet while holding down a job and struggling to pay for the increased living costs such as clothing, groceries and utility bills because they care for kids who otherwise would have to be involved in and supported by the statutory system.

If we are able to provide support for these grandparents, usually grandmothers, in practical ways such as provision of funds for extra expenses or some assistance with home cleaning and meal preparation, we would be investing wisely and ultimately contributing to preventing higher long-term costs in the child protection system. Being pressured into formal child and youth protection reporting and court orders in order to gain such assistance should not be how we address this issue.

We also need to remember, of course, that this is all happening on the lands of the Ngunnawal, Ngambri and Ngarigo peoples. It is all well and good to make symbolic

gestures, which we all do, such as our acknowledgements of country, but showing the due respect intended by the practice needs to translate into action. We need action through policy direction, planning, implementation and service delivery and through an understanding of the real lived experience of Aboriginal and Torres Strait Islanders in our community.

I am very pleased to see this issue being taken seriously, and I hope that we will soon see a shift in the horrendous statistics I cited earlier and that ultimately this will lead to better and more lasting outcomes for the wellbeing of Aboriginal and Torres Strait Islander children and their families.

## Papers

**Mr Gentleman** presented the following papers:

### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Professional Standards Council Appointment 2018 (No 8)—Disallowable Instrument DI2018-231 (LR, 16 August 2018).

Civil Law (Wrongs) Professional Standards Council Appointment 2018 (No 9)—Disallowable Instrument DI2018-232 (LR, 16 August 2018).

Domestic Violence Agencies Act—

Domestic Violence Agencies (Council) Appointment 2018 (No 2)—Disallowable Instrument DI2018-228 (LR, 16 August 2018).

Domestic Violence Agencies (Council) Appointment 2018 (No 3)—Disallowable Instrument DI2018-230 (LR, 16 August 2018).

Domestic Violence Agencies (Council) Appointment 2018 (No 4)—Disallowable Instrument DI2018-229 (LR, 16 August 2018).

Legislative Assembly (Members' Staff) Act—Legislative Assembly (Members' Staff) Variable Terms of Employment Of Office-holders' Staff Determination 2018 (No 1)—Disallowable Instrument DI2018-233 (LR, 16 August 2018).

Utilities (Technical Regulation) Act—Utilities (Technical Regulation) (Listed Dams) Determination 2018—Disallowable Instrument DI2018-234 (LR, 20 August 2018).

Work Health and Safety Act—Work Health and Safety (Fees) Determination 2018 (No 2)—Disallowable Instrument DI2018-227 (LR, 14 August 2018).

## Leave of absence

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

That leave of absence be granted to Mrs Jones from today's sitting, with a proposed return of 30 October 2018, for maternity leave.

## **Single-use plastic**

### **Discussion of matter of public importance**

**MADAM SPEAKER:** I have received letters from Ms Cheyne, Ms Cody, Mr Coe, Mrs Dunne, Mr Hanson, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton and Mr Pettersson proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Le Couteur be submitted to the Assembly for discussion, namely:

The importance of reducing single-use plastic in the ACT.

**MS LE COUTEUR** (Murrumbidgee) (3.41): We are currently in a global crisis with regard to the environmental and health impacts of plastic pollution, and we need to drastically reduce our single-use plastic consumption. That is why I have called for today's MPI. I am calling for a plastic-free ACT which will see an eventual ban on all single-use plastics.

Worldwide, only 10 to 13 per cent of plastic items are recycled, which is pitifully low. Single-use plastic usually goes into landfill, where it is burned, or gets into our waterways and makes its way to the oceans. Plastic pollution is at an unprecedented high. Scientists predict that there will be more plastic than fish in the sea by 2050. As we have all seen, there are islands of plastic in the ocean.

CSIRO research has shown that approximately three-quarters of the rubbish along the Australian coast is plastic. Most of this is from Aussie sources, and the rubbish is concentrated near urban areas along our coastline. No country is exempt from plastic pollution. And all of this has basically occurred in less than a century, and all by our own hands. Despite Australia having some of the greatest natural wonders of the world, we have not looked after them.

Also, let us look at our health risks. Scientific understanding of the potential impact on human health from the ingestion of microplastics via seafood consumption is still emerging, and we definitely need more research here. The world is currently conducting an experiment. We are testing our bodies' capacity to absorb plastic by-products. I do not know that it is going to end well for humans or other species.

Also, just looking at it from a straight-out economic point of view, the clean-up costs for litter are very high. Some of this is absorbed by the community. We have clean-up days; I have been fortunate enough to join Trash Mob a couple of times in their efforts in cleaning up Canberra. Otherwise it costs more. It is part of our city services budget, which we discussed earlier today. If the idea of a small baby bird does not incentivise change, maybe the financial impact of cleaning up will. The pollution in the ocean has huge economic costs in the reduction of fisheries, transport and tourism.

Looking at tourism, not only is a plastic-polluted ACT a deterrent to tourists, but a plastic-free ACT could be a selling point. Consumers conscious of the issue could flock to the ACT if we made it our mission to lead the way to be an environmentally

friendly destination. And at an individual level, reusing is a commonsense way of saving money.

What can we do? Every day, territorians are in fact doing their part. Every day I see people using keep cups, I see canvas shopping bags and I see reusable water bottles. The public do a lot, but they are let down by us. We need to regulate and legislate to ensure that single-use plastics are phased out. We need to prioritise health: the health of people and the health of our environment as a whole. We need to pay attention to the evidence and change. We need to commit to action.

We have done some small steps. We have taken plastic bags out of supermarkets, we have introduced a container deposit scheme, and we have a straws suck program. But we need to do more. Let us keep the ball rolling by expanding what we already have in place as well as introducing new initiatives.

As we know from the plastic bag scheme, while there may be initial reluctance to change, in time—and in quite quick time—the people of Canberra can learn to make changes which work for the environment and work for them. In the 2012 election, plastic bags were an issue; in 2016, they were not. We can learn; we have learned.

This is not a case of the Greens overreaching to appeal to a fringe minority. Look at the British conservative government. They have a long-term plan to phase out single-use plastics and are rolling out actions in areas such as producer responsibility for packaging waste; requiring retailers to charge customers for plastic bags; bans on plastic microbeads in products; and bans on plastic straws, stirrers and cotton buds.

In Australia, the New South Wales Greens have introduced laws aimed at phasing out all single-use plastic by 2023. Looking more mainstream, a meeting of environment ministers backed a plan for all packaging to be recyclable, compostable or reusable by 2025. The Senate recently had an inquiry which came to the same conclusion. I cannot quite remember the time frame for it.

This has become mainstream. This is not fringe. We have all watched at least some of *War on Waste*. We all know that we have to change in the interests of our environment and in the interests of human health. We need to see action here in Australia and here in the ACT. There is a lot that we can do in the ACT right now.

We need to look at the most effective methods of reducing our use of plastic. As I said recently, in response to Ms Orr's motion in the last sitting period, for me personally, the *Canberra Times* is my biggest source of single-use plastic. I implore anyone at the Canberra Times who may be listening to this speech or who hear the Hansard broadcast to look at what the Canberra Times can do to deliver the printed paper without coating it in plastic, particularly as it is plastic which often seems to have little holes in it and lets the water in anyway. And then of course there is the *Chronicle*.

We need to ban plastic styrofoam takeaway food packaging. Another thing we can look at is cafes charging for single-use coffee cups. There are simple changes like this. Other simple changes include putting pressure on food vendors and supermarkets to

use less single-use plastic or to use recyclable, compostable alternatives. Why on earth are there plastic-wrapped bananas in supermarkets? What do you think a banana has on the outside of it?

This morning while I was working on this, I saw someone walk past my office with a plastic-wrapped carton full of plastic bottles, single-use plastic water bottles. At the Legislative Assembly we should be leading the change. Canberra has totally drinkable water. The Legislative Assembly has an abundance of taps and also an abundance of cups and glasses. The kids in the Actsmart schools program would be ashamed of what the grown-ups in Canberra are doing.

We are not doing the right thing. We need to support, promote and reward businesses that are doing the right thing. For instance, the CMAG cafe, which we have all frequented across the square, have a mug library for people who have not brought their keep cups. They have responded to community demands; we should too.

I am not calling for an immediate complete ban on plastic in the ACT. There are many essential single-use plastic items, in particular in our health system, which, unfortunately, has not done a lot of work on this issue. There are vials, syringes, sample bags, disposable gloves, et cetera. These need to be looked at. How do we get better responses to those? They are part of infection control and avoiding cross-contamination. And yes, there are people living with disabilities who do need flexible, durable plastic straws in order to drink. But these are things that can be phased out. It may take time, but that time only starts when we start to do it.

We need to be part of the worldwide revolution, which will, I am confident, phase single-use plastics out. But we have to start now. We have to support businesses that can readily supply alternatives in non-essential single-use plastics and packaging. We should support innovation via grants and funding for the development of potential replacements with regard to essential single-use plastic items. We should develop guidelines, specific elimination targets and regulations which responsibly manage the transition. There needs to be a focus on education. I think many people are confused about what is and is not recyclable or compostable. I note that this was an area—I think No 3—in the better suburbs lists that we talked about earlier. We need to support social enterprises; we need to improve our recycling system.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (3.52): I thank Ms Le Couteur for bringing this matter of public importance before us today in the Assembly. I believe we all have a role to play in reducing single-use plastic in the ACT, and especially the ACT government.

Single-use plastic is everywhere. It is in our straws, it surrounds our food and other products, and it feels like it is practically unavoidable. Programs like the *War on Waste* and *The Blue Planet* have made the scourge of single-use plastic impossible to ignore. Globally, an over-reliance on single-use plastic, a shortfall in recycling options, failure to price the externalities of plastic and a lack of incentives to support recycling have created a perfect storm, meaning that we are producing single-use plastics at unprecedented rates.

The plastic we create today will outlive our grandchildren's grandchildren. It often ends up in Canberra's waterways, and floats around in our environment as litter. I should say that plastic is not always the enemy. It can help to protect food and reduce food waste, and it can help to keep medical equipment clean and free from germs. But we should always be looking for ways to avoid the generation of waste as a priority, and then to reduce and recycle in line with the waste management hierarchy.

In the ACT these objectives are captured by our waste management strategy, which outlines our waste management targets of achieving up to 90 per cent of waste being diverted from landfill by 2025, and a carbon neutral waste sector by 2020. There is no question that the ACT government takes sustainability and resource management very seriously. This is even more important as we recognise the benefits of transitioning to a more circular economy, where the value of resources is maintained for as long as possible and resources move from "cradle to cradle", rather than "cradle to grave".

All Canberrans can take personal steps to mindfully reduce plastic consumption in general, and single-use plastic in particular, and ensure that plastics are recycled where appropriate. Most rigid plastics can be recycled in our yellow-lid bins, at home or out in the community. Soft or film plastics cannot be processed through our recycling systems here in the ACT, but they can be recycled at most major supermarkets.

To support Canberrans, the territory delivers ongoing education about reducing, reusing and recycling of resources. All ACT residents and local schoolkids are welcome to visit the recycling discovery hub at the Hume Materials Recovery Facility to see how Canberra manages recycling. The hub has recently been upgraded and has received more than 1,200 visitors who have taken a tour since its relaunch in April.

The recent implementation of the ACT's container deposit scheme is another example of how the territory facilitates better plastic recycling behaviours. The ACT CDS supports individuals and community groups to reduce litter and actively participate in plastic recycling by placing a value on many single-use drink containers. As of last week we have collected more than two million containers. This demonstrates that here in the ACT we are keen to keep plastic away from landfill, and that is the right thing to do.

In the ACT we have been ahead of the curve when it comes to looking at ways to reduce single-use plastic. I am very proud that in 2011 the ACT was the third jurisdiction in Australia to implement a ban on certain types of single-use plastic bags. This is a trend that has continued. In fact New South Wales remains the only jurisdiction not to commit to a ban.

This year we also introduced a straws suck campaign, which aims to help break our plastic straw habit, while recognising that there are some in our community who still need straws for medical reasons. Within the territory government, we are looking at ways to reduce our own single-use plastic waste. For example, the Transport Canberra and City Services Directorate has formed an internal soft plastics working group to explore how we can support plastic recycling within our own operations. It may be

that we can influence our own procurement policies to build demand for recycled plastic products, including bollards, benches and even asphalt.

While the ACT will always look for opportunities to show leadership on social and environmental issues, we also prioritise the need to work with our state and national counterparts to drive an ambitious, harmonised national approach. That is why we have been supporting the development of an update to the 2009 national waste policy, which is currently open for public review and submissions.

We are pleased that the discussion paper prioritises a shift towards a circular economy mindset and contains a number of proposed targets, including to identify and phase out problematic and unnecessary plastics by 2030 and to increase the level of recycled content in all goods and infrastructure procurement.

Along with other states and territories, the ACT is working hard to explore potential solutions for achieving such targets. This level of ambition will help Australia to keep pace with the global shift, particularly the EU and its plastics strategy, part of its broader action plan on the circular economy.

Single-use plastic is a symptom of a linear economy. Shifting to a more circular system will not happen overnight, but the ACT government is committed to driving this change locally. We may be small in terms of population but we can use our voice and our actions to influence the national debate.

Knowledge about what is happening with waste is critical to the development of appropriate policies, processes and strategies to reduce waste in the first place. The new waste management regulatory framework that is being implemented currently by the government through the Waste Management and Resource Recovery Act 2016 is aimed at collecting data on waste, so that going forward we have a clear understanding of what happens to our waste and deal with materials such as single-use plastic appropriately.

I welcome today's opportunity to speak on the importance of reducing single-use plastic in the ACT and to outline the actions the ACT government is undertaking towards achieving this reduction.

**MS LEE** (Kurrajong) (3.58): While speaking on Ms Le Couteur's MPI on the need to reduce single-use plastic in the ACT, I am reminded of the motion brought by Ms Orr in the last sitting week. Given her success at getting the Chief Minister to start using reusable coffee cups, I wonder whether she has had any similar success in convincing the Minister for Transport to reduce plastic on the tramway.

Part of what makes plastic useful is also what makes it disruptive. It is long-lasting and does not break down easily under light or exposure to water. It is lightweight, can be transparent and is also cheap and can be treated as disposable. This leads to plastics being used readily, discarded, and carried easily by the wind and rain run-off into the natural environment, where it can end up entangling or suffocating animals. As such, it is important that everyone works together to reduce waste.



However, I echo my comments in this place last time the issue arose: has the plastic bag ban in the ACT been effective? Since the ban, by weight, plastic bags sent to landfill have reduced from 182 to 114 tonnes, but this is not the reduction which was expected. After all, bags for life are meant to be bags for life. Has the bag ban instead become a bag thickening?

Previous reviews of the plastic bag ban have taken the form of surveys, and we are yet to see the long-awaited results of the review that is being undertaken by the Commissioner for Sustainability and the Environment. Given how many times I have asked about the review in past public hearings during annual reports and estimates, and assurances that it is always around the corner, surely this review must not be too far away.

I also mentioned in the last sitting week that our so-called single-use plastic bags are anything but that. I do not know anyone who does not reuse these plastic bags for other purchases, including as bin liners, or to wrap your lunch or leftovers. I know there are others who use the more durable 15c bags that we are now forced to buy in the same way, so the review will be very helpful in confirming whether we have had much success in reducing plastic waste going into our landfill since the ban came into effect in 2011 and, if so, by how much. Only then can we know exactly what is happening to single-use plastics here in the ACT and whether, indeed, they are truly single use.

Whilst we wait with bated breath to hear what is happening with our so-called single-use plastic bag ban, our latest victim is the humble plastic straw. Yes, plastic straws do add to our plastic waste, and we have seen some large corporations take responsibility and look at ways in which they can reduce the huge number of plastic straws that they produce.

No-one will argue that reducing the use of single-use plastic straws will not be a good thing for everyone. However, as shadow minister for disability, I am concerned that a straight-out ban will unfairly impact Canberrans with a disability. There are people in our community who rely on sturdy plastic straws to undertake the act of taking a drink, an activity that most Canberrans take for granted. Before the government charges off to issue a blanket ban on plastic straws there needs to be a thorough consultation into any unintended consequences of the abolition of plastic straws. Some Canberrans need a straw, and I am not talking merely about trying not to ruin your lipstick.

Many people who have difficulty swallowing or who have limited hand movements need to use straws and other utensils to eat and drink. They are also helpful tools to exercise the lungs. And single-use straws are cheap, flexible and available. Other options like glass or metal straws are not as flexible and are difficult to clean, leading to concerns about hygiene. Cardboard straws disintegrate in hot liquids or turn into mush after prolonged use.

I was going to thank Ms Le Couteur for her very careful choice of words that the outright ban on straws and other single-use plastics would be discriminatory, yet that reduced use of single-use plastics is something that we can all work towards.

However, I also note that she has just called for a plastic-free ACT and, for the reasons that I have just outlined, I cannot, in good conscience, support her call. I would suggest that perhaps Ms Le Couteur spend a little less time with small baby birds and a little more time with our vulnerable Canberrans before making such a call.

**MS ORR** (Yerrabi) (4.02): I would like to thank Ms Le Couteur for bringing this matter of public importance before the Assembly. The reduction of single-use plastic in the ACT is a topic that I have spoken about many times in this chamber. I would like to once again take the opportunity to speak about the harm caused by single-use plastic and how we may act to decrease such harm.

Single-use plastic has an almost incomprehensible impact on our environment. It may start in our homes but it ends up in our oceans, our waterways, our streets, our parks and even our food. Despite the well-known damaging effects of plastics on our environment, wildlife and our own health, we continue to use it in unfathomable amounts.

Since large-scale production of plastics began in the 1950s, humans have collectively produced 8.3 billion metric tonnes of plastic. If we continue to follow past trends of plastic production, we will be producing that same amount of plastic between 2017 and 2028. That is 8.3 billion metric tonnes of plastic in just 11 years.

These numbers are a cause for concern in their own right but they become even more alarming when we take into account the durability of plastic. Plastic can take up to 600 years to break down, whether that be in landfill or in our environment. Of course, it is in our environment that this plastic is most dangerous. In fact the research being done on the full impact of our excessive plastic use is still revealing new ways that plastics are causing harm to our wildlife and to ourselves.

I recently spoke in this chamber about the impact plastic is having on the wildlife in our oceans. Plastic that gets improperly disposed of often ends up washed into our waterways. Once it makes its way into our oceans, it is consumed by turtles, dolphins, fish and other wildlife. Plastic in our waterways can cause serious harm to the health of wildlife populations. It is so prevalent in our oceans that it has been found to comprise up to 10 per cent of the total body weight of sea birds.

The harm caused by plastic does not end with our wildlife. Often this plastic happens to find its way into our food supply. Unfortunately, most are still unaware of the number of foods and drinks that actually contain plastic. Bottled water contains an average of 10 plastic particles per litre, each larger than the width of a human hair. While chewing gum was once manufactured with all-natural ingredients, current mainstream manufacturers are using plastics, rubbers and other synthetic materials as its core ingredient. Of course, fish and other seafood often contain plastics that were ingested while they were alive.

We are yet to fully understand the impacts on our health of plastic in our food supply. However, research on this matter suggests that even at lower levels of exposure certain chemicals in plastics may cause serious illnesses, including several types of cancer.

Unfortunately, the impacts of our excessive plastic use do not stop there. New research has suggested that it is a real possibility that we are actually breathing in plastic. This research has identified airborne microplastics that may pose some threat to our health. It seems that where we continue to consume such significant levels of plastic its harm is almost inescapable. It is time now to be looking at ways that we can avoid using plastic altogether.

Reducing single-use plastic in the ACT requires action on all fronts. It requires behavioural change from consumers, changes to practices from manufacturers and, most importantly, it requires innovation and investment from government. As consumers we find ourselves in a minefield of single-use plastics. It seems that single-use plastic covers goods on every shelf at our local grocery stores and comes along unwanted with every purchase we make. Most people consume masses of it a week, week after week, without even noticing.

I recently spoke in this chamber about an exercise I undertook to reduce my own single-use plastic consumption. I was one of two million people across the globe to participate in the plastic free July challenge this year. The challenge required more behavioural changes than I once thought. It required us to switch to a reusable keep cup, refuse plastic straws and remember to bring my own bags to the supermarket. The challenge highlighted for me that consumers have the power to make changes to their consumption patterns and, in doing so, they have the power to make a difference.

Of course, this power is limited to what is available to the consumer, and it is an unfortunate reality that there are times when consumption of single-use plastic is either made the most convenient and cheapest option or is altogether unavoidable. For many people with disability, refusing to use a plastic straw is not an option. This is because an alternative to plastic straws that meets the needs of people living with a disability is yet to be available. It is also the case that many of the cheapest items in the supermarket are covered in single-use plastic. For many, purchasing those goods that are free of such waste is not a financially viable option.

It is important that consumers actively look at ways in which they can reduce their use of single-use plastic. However, reduction of single-use plastic in the manufacturing process avoids the problem before it hits the shelves. In the ACT the government has actively taken on the role of avoiding single-use plastic and managing it when it does get used.

Just this year we introduced a container deposit scheme. While it may still be early days for the scheme, it is safe to say that the scheme has already contributed significantly to a reduction in plastic bottles in our environment. The ACT has also been a leader in the widespread move to ban single-use plastic bags. I understand that there has recently been a review into the plastic bag ban. I look forward to the insight it may provide into the public perception of the ban, as well as the impact on plastic bag use in the ACT.

These two initiatives are just the beginning of a long line of changes that the ACT government may make to further reduce single-use plastic. As has been noted,

I recently moved a motion in this Assembly calling on the government to investigate further opportunities to reduce single-use plastic throughout the ACT. I am glad that we have been given the opportunity today to further discuss why this is so important.

I look forward to hearing the outcomes of this investigation, following on from my motion, and I am glad to hear of the support from members for the government's efforts to reduce single-use plastic in the ACT. I hope to see this support continue as we progress towards the elimination of single-use plastic as a long-term goal for the ACT.

**MRS KIKKERT** (Ginninderra) (4.09): I rise today to say a few words on this matter of public importance. In recent weeks I have spoken up on behalf of constituents in my electorate of Ginninderra who are concerned about the lack of public recycling options in the ACT and specifically at shopping centres that are maintained by this government. My clear sense is that people inherently want to do the right thing. They therefore find it frustrating when something as straightforward as a public recycling bin is nowhere to be found and, from what I have been told by the minister, is not even on this government's agenda.

These and other constituents have also spoken to me on the issue of single-use plastics. By definition, this includes any plastic that is intended to be used only once before being discarded, including rigid plastics that can easily be recycled when proper facilities are available. It also includes plastics such as shopping bags and chip packets that are not recyclable at all.

These constituents share concerns about the growing stockpiles of recyclable plastics and the environmental harm that can come from genuinely single-use plastics. They support prudent and reasonable efforts to reduce the amounts of these plastics that enter our water system and water stream.

I note that environment ministers from all states and territories as well as the commonwealth government have taken recent steps forward in addressing these issues in unity, and I hope that genuinely good solutions will be proposed and implemented.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.11): I thank Ms Le Couteur for raising this very important topic. Our reliance on single-use plastic is having devastating impacts on our planet: on our oceans, through plastic pollution and through sea life consuming plastics and getting plastics wrapped around them; from litter that we see at the terrestrial level, and we have all witnessed that; and from the link between plastics and climate change, which was the subject of a seminar at the Global Climate Action Summit just a few days ago, where that exact linkage was being explored.

We all share responsibility to act where we can to reduce impacts on our environment, and we must find viable alternatives that provide better outcomes for the planet than some of the plastics that are currently being used. Every little piece of avoided waste can and does make a real difference.

We can address this significant problem at a number of levels, whether it is individually, collectively or through the role of governments. There is definitely a role for government to play in this process of reducing the amount of plastic pollution on this planet.

The plastic bag ban is a good example of that. Ms Le Couteur spoke about it briefly before, and Ms Lee indicated her scepticism towards it, but the ACT ban on single-use plastic shopping bags is a good example of what can be done. It was introduced in November 2011 as a result of the parliamentary agreement for that term between the Greens and the Labor Party, and it was a great first step in reducing plastic waste in the territory.

The 2014 review of the ban found that it had reduced plastic bag waste to landfill by about one-third and reduced the number of lightweight plastic bags found as litter in streets and waterways in the ACT. We now see other states and territories implementing similar bans and also national supermarket chains having to take it on because some jurisdictions have failed to act. They have simply failed to have the courage to deal with this very practical way of reducing plastic waste. That in itself has been an interesting process to watch as they have grappled to deal with public opinion, but I think that at the end of the day it is a really poor reflection on those governments that have failed to take that step and that legislative action.

I will be releasing later this week the review that I commissioned from the Office of the Commissioner for Sustainability and the Environment. I asked the office to do this independent review to ensure that the ban was working as well as possible. It is worthwhile doing these things from time to time.

I note the commentary, Madam Assistant Speaker, that you offered on the performance of the commissioner for the environment in getting this work done, but the commissioner has produced, I think, a very valuable report that the community will find interesting. She did take longer than anticipated, and she was very explicit and public in saying that she had sought more time because the research took them longer than they anticipated. Whilst that may have been a cause of consternation for you, I think it is actually quite okay. The commissioner was very up-front about the fact that she simply needed more time to do the work, and I think it has resulted in a very good report, which members can form their own views on later in the week.

When it comes to actions the government has taken aside from the plastic bag ban, I was pleased, as the Minister for Climate Change and Sustainability, to launch the straws suck campaign, which Mr Steel referred to. The campaign aims to encourage businesses and the community to avoid unnecessary plastic waste by rethinking their need for single-use plastic straws. It is a campaign that is being delivered by Actsmart in the ACT government. It asks local businesses to take a pledge to reduce the number of single-use straws being used. I am pleased to report that almost 30 businesses have already signed up to the campaign. Community members can support this campaign by saying no to plastic straws when offered one and asking their local cafe or pub to consider signing the pledge. Individuals can also sign up to this pledge as part of the Actsmart online carbon challenge.

It may seem like saying no to plastic straws is a small act but the impacts do really add up. An estimated 10 million plastic straws are used in Australia every single day: not every year; every single day. This is an extraordinary figure. Each of these straws takes up to 200 years to degrade in the environment and they never biodegrade.

Plastic straws are in the top 10 most littered items globally. A plastic straw used today will outlive your children's children's children. The thing with a plastic straw is that we use it for a few minutes, maybe half an hour at the most, but it will result in very long-lived plastic waste in our environment. Most of us have perfectly good lips from which we can consume that drink ourselves.

As Mr Steel touched on in his remarks, there are some people who, for perhaps a medical reason or whatever, might need to use a straw. We have a duty there to make sure alternatives are available, whether it is a bamboo straw or a stainless steel one; I have met an increasing number of people, women particularly because they do not like to mess up their lipstick, who will carry around a stainless steel drinking straw in their handbag, or even a couple of them. I have one friend who carries a couple because she often goes drinking. When she goes out for a drink, she will go with a friend, and she brings one for her girlfriend as well. So there are really practical options there and it is great to see some community members taking those initiatives.

I would particularly like to thank those businesses who have signed up to the campaign. They have shown real leadership and responsibility. They have demonstrated that business can be very innovative, and it has not added to their bottom line in any particular way. Even where it has produced a bit of a cost, the cost has been very minimal and is part of being a good corporate citizen. I particularly acknowledge BentSpoke in Braddon, who launched the campaign with us and, as part of their commitment, went out and ordered a whole bunch of stainless steel straws and were very good in talking to other businesses about how easy it was for their business to make that change.

Over the years in successive parliamentary agreements between the Greens and the ALP we have been able to take a number of steps to reduce plastic waste. We have spoken about the ban on plastic bags. The container deposit scheme has been one that I hope will have an impact over time in reducing the amount of plastic waste in the environment.

One that is perhaps less obvious as a plastic reduction measure is the installation of new drinking fountains in town centres and other areas. A lot of people see this as perhaps just a way of providing free drinking water in convenient locations and of encouraging healthy lifestyles. Whilst it does both of those things, it is also about saying to people, "You can carry around a reusable bottle for consuming water and be able to refill it as you go, rather than having to go and buy plastic bottles of water at the shops because you are out and about and it is hot and you want a drink", those sorts of things.

These are initiatives that I think have been very effective. There are a number of other discussions going on. There is a national discussion going on as well. There was a

very interesting Senate inquiry which reported recently. I point members to that Senate report, because it contains a lot of interesting policy initiatives. There is perhaps not enough time for me to go into that today. That is a document that I will be looking at closely for initiatives that we might pick up here in the ACT.

There is a role for both state and territory governments and the federal government here. One thing we can do as a territory is take the initiatives we can take and seek to demonstrate good examples that both do our part here in the ACT and show to others what is possible. I commend Ms Le Couteur for raising this matter of public importance today.

*Discussion concluded.*

## **Betting Operations Tax Bill 2018**

### **Statement by Speaker**

**MADAM SPEAKER:** Members, earlier today Mr Wall took a point of order on a ruling on an amendment moved by Mr Parton. In his point of order he indicated that consideration should be taken of standing order 201, which provides that a member other than a minister may not move an amendment to a money proposal as specified in standing order 200 if that amendment would increase the amount of public money of the territory to be appropriated. Mr Wall contended that Mr Parton's amendment did not in any way or form increase the quantum of money appropriated that had been covered off in the appropriation bill and all Mr Parton's amendment was doing was directing the way in which the tax revenue was to be expended. Mr Wall later emailed me to ask me if any advice had been tabled.

Mr Parton's amendment to the bill was lodged in the chamber support office at 4.50 yesterday and the bill was listed as executive business No 1 on today's notice paper. At a regular meeting and a regular briefing I receive from the Clerk before each day's sitting I was advised that, following consultation with parliamentary counsel and the Solicitor-General, the Clerk was of the view that the amendment to be moved by Mr Parton contravened section 65 of the self-government act, which is replicated in standing order 200. It is also relevant to note that standing order 201A endorses the principles of the financial initiative of the crown.

The betting tax bill, as the name suggests, introduces a tax in relation to betting operations and sets out a description of the liability to pay the tax and the method of calculation. The betting tax bill is law for taxation and thus forms part of what is described as the financial initiative of the crown. As such, proposals for the introduction of the tax are solely at the initiative of the executive.

Section 65 of the Australian Capital Territory Self-Government Act 1988, the self-government act, provides that the enactment of the appropriation of public money may only be proposed in the Assembly by a minister. A member other than a minister may move an amendment to an appropriation bill unless the effect of the amendment is to increase the amount appropriated. The betting tax bill is an enactment for the imposition of a tax and part of the financial initiative of the crown and, thus, may only

be introduced by the executive. It is not an enactment for the appropriation of public money of the territory—section 65(1) self-government act and standing order 200.

Once the betting tax bill becomes law and commences, public moneys raised by the imposition of the tax will be paid into consolidated revenue. The moneys so raised may only be expended in accordance with the appropriation under section 6 of the Financial Management Act.

The amendment to the betting tax bill proposed by Mr Parton purports to effect an appropriation of public moneys raised by the tax. As such, it is contrary to section 65 of the self-government act. It is for this reason and based on the advice of the officers I have referred to in this statement that I have ruled the amendment to be out of order, and that ruling is maintained.

**MR COE** (Yerrabi—Leader of the Opposition) (4.23): With your indulgence, if I might ask, does your power to rule this amendment out of order come from the self-government act or from the standing resolution of this Assembly?

**MADAM SPEAKER:** My power to rule this out of order comes from advice based on the self-government act, section 65, which was reflected in the standing orders. I have made the ruling. It was questioned this afternoon. I have maintained that this amendment is out of order.

**MR COE:** I understand that you maintain it is out of order but what I am getting at is that I am not sure that the self-government act gives you the power to rule the amendment out of order. What I think gives you that power is the standing orders, in particular the continuing resolution. Therefore, if it is simply a continuing resolution, we would have the ability to seek that standing orders be suspended in order for that amendment to be moved and voted upon.

I understand that the Assembly would have to go in with our eyes open as to whether we were to vote for this amendment but, just in the same way as we voted as an Assembly for the gay marriage bill—we went in with our eyes open in that debate—we do the same here. And in the event that that amendment were passed, it would then be open to challenge perhaps if a jurisdiction chose to challenge it; or if it did not get up, then of course there would be no further consequence.

**MADAM SPEAKER:** Members, please give me a moment. I think the premise of your question, what you are asking me, is: by what powers am I saying this is out of order? This Assembly in many ways is determined through its standing orders. On page 45, if you look at 200, 201, 201A and if you look at the footnote, it does reference section 65. Our standing orders are empowered by or reflect the self-government act under section 65 and they give me the power to say whether something is or is not in order. And I have determined that it is out of order.

**MR COE:** That is the same for everything, though. It is all discretionary. It is all discretionary until a court determines otherwise.



**MR WALL** (Brindabella) (4.27): Madam Speaker, you cite standing order 201A, which refers to the Assembly's resolution of 23 November 1995:

“That this Assembly reaffirms the principles of the Westminster system embodied in the financial initiative of the Crown” ...

That is a resolution of the Assembly, not merely a standing order. That principle of the financial initiative of the crown is not in any way, shape or form reflected under section 65 of the self-government act. I wonder if, by prohibiting members moving an amendment such as this, whether or not we are in a quasi way imposing a law that is in fact inconsistent with the self-government act.

The self-government act is very short and makes only two points:

- (1) An enactment, vote or resolution (proposal) for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister.

I do not think that anyone disagrees with initiation of a proposal for a money bill. But (2) says:

- (2) Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the amendment is to increase the amount of public money of the Territory to be appropriated.

I think the question still remains as to whether the money that has been appropriated in the appropriation bill would be increased by the consideration of Mr Parton's amendment and whether or not we have in fact put unnecessary restriction on members' free rights here that were not intended as part of the self-government act, noting that that provision of the self-government act was amended back in 1994 given that earlier Assemblies struggled with this provision specifically relating to amendments to the appropriation bill itself, not to subsequent taxation legislation.

**MADAM SPEAKER:** I will make one more comment and then my ruling will stand. If you disagree, you will have to move dissent from my ruling. The self-government act section 65(1) and (2), almost word for word, are reflected in standing orders 200 and 201 and, as I just said, the moneys raised may only be expended in accordance with an appropriation. What Mr Parton is effectively doing is taking it out of consolidated revenue and giving it to another group. We have been through this. My ruling is as clear as I can make it. Mr Parton's amendment is out of order.

**MR COE** (Yerrabi—Leader of the Opposition) (4.29): I accept that that is out of order. Therefore, I seek leave to suspend so much of the standing orders as would allow Mr Parton to move an amendment to Mr Barr's bill.

**MR RATTENBURY** (Kurrajong) (4.30): The Greens will not be supporting the suspension of standing orders. Madam Speaker, I think that your advice on this is very clear. I flagged my concerns earlier in the day but I think we have now had a further explanation. The fact is that it has now been made clear that the act of directing these

funds to a particular group is itself the act of appropriation. I do not think that this is the moment for this Assembly to try to analyse that.

I have suggested to colleagues outside in an earlier discussion that if we want to look into this more deeply we might refer this issue to the administration and procedure committee for either a consideration of the standing orders or, if there are concerns with the self-government act, how we engage the federal government in that. I think that is the more appropriate way.

What I can also say is that it is a bit academic. We are not intending to support Mr Parton's amendment. Rather than perhaps stepping into uncertain territory, my view and the view of the Greens will be that if we want to prosecute the fine detail of this issue we do it in another way, which is to make a referral to the administration and procedure committee for a more considered discussion about this matter.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (4.31): Just to put it formally on the record, the government would not be supporting Mr Parton's amendment either. Regardless of the procedural issues before the chair, Mr Parton's amendment would not be successful today.

The broader issues that are being agitated would represent a fundamental change to the nature of governance in the territory and certainly should not just happen by accident on the floor of the chamber one Tuesday afternoon in September. That would be a pretty fundamental change to the way that this place operates.

Undoubtedly the first and obvious thing that I would have to do as Chief Minister and Treasurer would be to seek, were Mr Parton's amendment to have been supported on the floor, urgent legal advice as to its compatibility with the self-government act. I do not have to do that—I acknowledge that there would not be a majority on the floor for that change—but that is the seriousness of the implication of what is proposed here.

We have a constitution that governs our operations. We may not all agree with elements of it. I, for example, would seek to remove the restriction on this parliament's ability to legislate for end of life issues, for example. There would be plenty of people who would have liked this territory to have had the power to undertake a different policing arrangement over the decades. I am sure that there have been members who would have wanted change in that regard. We have what we have.

Mr Rattenbury is right in that if there is a desire to look to change the self-government act there is a process for that and it should be considered in that context. It would be appropriate, if members wish to pursue this matter in relation to non-executive members moving matters that relate to appropriations, that that be considered by the admin and procedure committee.

I can indicate now that I would not be supportive of a change in that regard. I think there is a fundamental principle of Westminster government and executive accountability that has this rule in place in our self-government act and in our standing orders for a very good reason.

This issue has been tested and I think the boundaries pushed as it relates to motions on private members' day that demand certain expenditure to occur. We have had our differences in relation to that. A motion is one thing; putting in legislation or seeking to amend legislation in this way is obviously a bridge too far as it relates to the self-government act and to the existing standing orders of this place. I would not be advocating a change to either the standing orders or the self-government act.

**MR WALL** (Brindabella) (4.34): I think that there are two different ways forward here. There is, I guess, the procedural question as to whether or not Mr Parton is capable of moving this amendment, and I think that there is still some conjecture as to whether or not he is allowed to. I think there are two ways in which the Assembly can deal with this. Given that we know that the amendment will not be successful, it raises the question of whether a member has been prohibited from exercising their duties in this place by not being able to move that amendment in the first place.

I think the question which it raises is that we could suspend standing orders, deal with Mr Parton's amendment and then without any question the Assembly has dealt with that substantive matter. Without a suspension of standing orders, there remains a question as to whether or not a member has been prohibited from exercising their functions in this place.

The Chief Minister just said it would be I think almost reckless—to paraphrase—that on an afternoon on a Tuesday in September we made such a fundamental change to the way that we interpret section 65 of the self-government act. It was on a Thursday afternoon in November back in 1995 when the resolution that forms standing order 201A was brought on during the debate on the appropriation bill. These things happen at a point in time when members seek to interpret the standing orders.

**Mr Barr:** Members cannot interpret the self-government act.

**MR WALL:** This interpretation is based on the Assembly's adoption of the financial initiative of the crown principle. That is not enshrined in and is not mentioned in the self-government act. That is a standard that has been adopted by the Assembly. Whether it is in fact legally binding is the point of conjecture. I think that that is the area that needs to be explored.

In my discussion prior to this matter being brought back by the Speaker, and the suspension of standing orders, in my discussion with Mr Rattenbury I had indicated that I would be bringing on a motion in Thursday's Assembly business to refer this matter to admin and procedure for further inquiry. I think it does warrant some further exploration and certainly further legal advice as to how those matters pertain to the self-government act, given that the self-government act is actually quite devoid of detail in this space.

I will bring that forward. The opposition does believe that suspending standing orders and allowing unequivocally the amendment to be dealt with by the house is a better course of action than simply disregarding it because of an interpretation that is not necessarily based on fact.

**Mr Gentleman:** On a point of order, Madam Speaker, before we continue in this debate, my understanding is that leave has not yet been granted to seek to suspend standing orders. That is the position that we are in in the chamber at the moment.

**MADAM SPEAKER:** We have had a number of speakers. On the question of suspension of standing orders, Mr Coe.

### **Standing orders—suspension**

**MR COE** (Yerrabi—Leader of the Opposition) (4.38): I move:

That so much of the standing orders be suspended as would prevent Mr Parton from moving his amendment to the Betting Operations Tax Bill 2018.

My particular concern is: under what power are decisions being made here? Of course the standing orders are well and truly in our domain as a legislature but we are not the arbiter of the self-government act. It is up to the commonwealth, either through the parliament or through the courts, to actually be the definitive interpreter of the self-government act. This is so for everything. At any point in time somebody in the commonwealth could challenge one of our laws to see whether it is inconsistent or not.

Is anybody saying that during the debate on same-sex marriage the Speaker had the power to say that the bill was out of order? I do not think so. But we went into that with our eyes wide open as a chamber, and we made a call as to whether we wanted to progress with that piece of legislation, noting that it could be challenged by the commonwealth. And it was.

It really is the standing orders that the Speaker and the Assembly must use as the framework for how we operate here. I think that we are in very murky territory if we are going to have members of this place trying to second guess or interpret what the self-government act means, because that is the role of the court. That is the role of the commonwealth, not for the ACT to give a definitive view.

I think that there are many unanswered questions here. I do think we should allow this vote to proceed but in the event that that does not happen I think Mr Wall's course of action is a responsible one.

Question resolved in the negative.

**MADAM SPEAKER:** The amendment is out of order and not to be debated.

### **Betting Operations Tax Bill 2018**

Consideration resumed.

#### **Detail stage**

Bill, as a whole, agreed to.

Bill agreed to.

## **Climate Change and Greenhouse Gas Reduction (Principal Target) Amendment Bill 2018**

Debate resumed from 23 August 2018, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MS LEE** (Kurrajong) (4.41): The Climate Change and Greenhouse Gas Reduction (Principal Target) Amendment Bill seeks to amend the ACT's already ambitious target of zero net emissions by 2050 to 2045. The minister has stated that this reduced goal can be achieved largely through the improved technology which has developed in recent years and that no additional steps would be required to achieve the 2045 goal. So it begs the question as to whether a bill to reduce the target is necessary if the goal will be achieved anyway.

In supporting the ACT government's ambitious targets and goals in achieving 100 per cent renewable energy, the Canberra Liberals have firmly put on the record that our support was subject to reliability and affordability of power for all Canberrans. In the briefing on this bill my office has had from the minister's staff and a directorate official, we have been assured that this new target will not impose any appreciable cost upon the community. We have also been assured that work is under way and that the government is confident the new 2045 target will be met comfortably. Accordingly, the Canberra Liberals will not be opposing the bill.

However, the government's interim targets, which have been set out in disallowable instruments, will be of interest to the opposition and the people of Canberra to assess progress and to ensure that these ambitious targets are not just simply words on paper. I look forward to the minister keeping Canberrans updated regularly on the exact mechanisms that the government will be undertaking to achieve these goals, including confirming what action is being taking to make sure there is no unnecessary cost burden on the Canberra community.

In briefings and in the media, the minister notes that the more challenging goal to achieve will be the 50 to 60 per cent reduction on 1990 levels by 2025. In the briefing on this bill we quite reasonably asked what steps and strategies were available to achieve this goal. We received no meaningful answer to this question. Instead, we were told to await the forthcoming release of the three emissions reductions strategies.

The strategies in transport, planning, and climate emissions are being compiled now, and we were unable to get any detail about these strategies. As such, my colleagues and I are not in a position to keep our constituents updated about the steps and methods that the government will be taking to achieve its goals, not because of lack of interest, but simply because the government has put the cart before the horse and set goals before the tools to achieve them are known.

This creates a circular proposition of, "We have to do this to achieve the goals," and then, "Because we did that, we have to achieve the goal early, so let's set another more ambitious goal". Will bringing forward by five years the ACT's goal of zero net

emissions make any significant difference? The answer is that we simply do not know. But based on what we have been told so far, we are doubtful.

I note that within the presentation speech, Minister Rattenbury referred to the goals of other jurisdictions, including Sweden, Hawaii and Iceland. The minister I fear might have an inferiority complex regarding the size of his target. I encourage him not to take up the mine-is-bigger-than-yours approach with everything related to climate change. After all, it is not about the size of the goal but whether it is right for Canberra and Canberrans.

So whilst the Canberra Liberals will not be opposing this amendment, we flag the concern that the amendment is little more than an opportunity for the minister to go to a COAG meeting and brag to his colleges about the size of his target. The Canberra Liberals will be keeping a very close eye on the strategies released in the coming months and years to ensure that our targets are achievable, reliable and affordable.

**MS ORR** (Yerrabi) (4.45): I rise to speak in support of this bill. On 5 October 2016 a momentous occasion occurred: the necessary pre-conditions for the Paris climate agreement to come into force were met. At least 55 parties who collectively represented at least 55 per cent of the total global greenhouse gas emissions ratified the agreement. To date, 180 parties of the 197 have ratified the agreement.

We could very easily say, “Then Trump happened”. However, in reality President Trump’s actions are not as significant as we might think. When President Trump withdrew the USA from the Paris Agreement, it only strengthened the response from state and local governments. Some 350 US mayors pledged to reach 100 per cent renewable energy for their communities by 2035. In fact, it was mayors who led the way on the Paris Agreement.

In December 2015, 1,000 mayors across the globe met in Paris to pressure national representatives to agree to climate action. The group adopted a declaration recognising the important role local and regional governments play in reducing carbon emission. The declaration states:

We commit collectively to support ambitious long-term climate goals such as transition to 100 per cent renewable energy in our communities, or 80 per cent gas emissions reduction by 2050.

This commitment from local governments has remained. The Under2 Coalition encompassed 205 local governments in 2017, with over 100 state and regional governments disclosing their emissions data and climate goals. The coalition recognises that while national governments negotiated the Paris Agreement, state and regional governments are central to delivering the goal of limiting global temperature to less than two degrees Celsius.

It makes sense that our state, territory and local governments are the ones taking action on this. It is in our cities, town and regions that the impacts of climate change are realised: the farmers struggling through the drought; the bushfires and floods

taking lives and homes; and the extreme weather and heatwaves making our lives uncomfortable and placing health risks on the most vulnerable in our communities.

It is also the case that cities and towns are best placed to take action on climate change. Cities have traditionally been the epicentre of change, be it cultural, commercial or innovation. Our towns have always been the heart of our regions, and it is in these spaces that great opportunities lie.

Denser populations allow greener living. Recognising this, C40 is making a significant difference in improving the scale and speed of climate action through city-to-city collaboration. Here in Australia our states, local governments and cities are also taking the lead on climate change. Victorian climate and energy minister, the Hon Lily D'Ambrosio, suggested that states and territories go it alone last year when the federal government once again showed its unwillingness on climate action. In many ways, though, the states and territories already are.

South Australia and the ACT have both invested heavily in renewables and set themselves ambitious targets for emissions reductions. This is reinforced by the bill before us today. Queensland has also announced its renewable energy plan to reach 50 per cent renewable energy by 2030, which will include a publicly owned renewable energy electricity generator.

At the city level, Canberra is not alone in taking action on climate change. The City of Adelaide is aiming to be carbon neutral by 2020. Brisbane City Council achieved carbon neutral status in February 2017, the City of Sydney aims to source 50 per cent of its electricity from renewable sources by 2030, and the City of Melbourne aims for zero net emissions by 2020.

In addition, one in five local councils surveyed by Beyond Zero Emissions indicated they were aiming for 100 per cent renewable energy or zero emissions. Local councils like Yackandandah, Lismore, Uralla, Newstead and Darebin all have ambitious renewable energy and emission targets in their efforts to address climate change.

The point is, it is our regional governments and our cities that lead the way on climate change action. Our federal government can engage actively in the process, and national governments all over the world have and will continue to do so. But when you come to parliament and wave around a lump of coal you render yourself irrelevant. When you underline the associated costs and contend that this makes it all too difficult, you prove yourself incompetent. And when you suggest that climate change may be beneficial as it may have led to better crop yields, you raise questions about your grasp on reality, particularly in light of the current drought.

So the ACT, like our colleagues in other states, will continue to keep on keeping on when it comes to climate action. We will hold the federal government to account for its responsibilities and we will continue to sideline it should it fail to deliver on its obligations. We continue to lead the way because we must. This bill furthers the efforts that we as a city state will make and entrenches our role as a national leader on climate change action. It moves us in the direction we must go. I commend the bill to the Assembly.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.50), in reply: The purpose of this bill is to bring forward the ACT's principal target date for achieving net zero emissions to 30 June 2045. Currently, the principal target date is 30 June 2050 and because it is set in legislation we actually need a bill to change that date.

The ACT is one of the leading jurisdictions globally in tackling climate change. It is important to reflect on our successes. We should be proud, as the ACT, to have legislated strong climate targets as a result of the first Labor-Greens parliamentary agreement in 2008. That work undertaken then, a decade ago, has set the direction for the ACT since.

We set ourselves a goal to reduce our emissions by 40 per cent, based on 1990 levels, by 2020. We have seen many government policies, actions and decisions be guided by this target over the past decade. I am pleased to say that we are on track to achieve this through transitioning the ACT's electricity supply to 100 per cent renewable sources, including wind and solar.

We have also recently released the ACT's transition to zero emission vehicles action plan 2018-2021 to ensure that we are taking advantage of the global shift towards zero emission vehicles. The action plan will complement our existing programs. For example, we already have some of the most generous financial incentives for purchasing and registering zero emission passenger vehicles in Australia.

Most relevant to the bill is that we have not shied away from updating our emissions reduction targets to ensure that we remain at the forefront of the global drive to reach net zero emissions as soon as possible. For example, we immediately brought forward our previous target for achieving net zero emissions by 2060 to 2050 after the UNFCCC Conference of the Parties was held in Paris in 2015.

Our current target of 2050 compares favourably on the global stage with other jurisdictions now aiming to be carbon neutral even sooner. For example, Sweden has set a target for reaching net zero emissions by 2045, albeit with the use of offsets. Iceland is going even further, having announced plans for carbon neutrality by 2040. At the state level, Hawaii has pledged to become neutral by 2045.

There is clear scope for us to do more and we need to do it if we want to ensure that we are taking all the steps that a responsible government should if it wants to take climate action seriously. We are currently watching many serious impacts of climate change around the globe: increased typhoons, hurricanes and floods and, more locally in Australia, the increased effects of drought and earlier and worse bushfire seasons. The adoption of this bill is crucial to ensure that we are taking action to make our best efforts to militate against those serious impacts of climate change.

We are not bringing forward our net zero emissions target date to 2045 simply because other jurisdictions are also doing so. In October 2017 the ACT government received advice from the ACT Climate Change Council that bringing forward the target by five years is the most appropriate step to ensure that we are doing our fair share.



Their advice is based on four key factors: firstly, the latest scientific evidence of the impacts and risks of climate change both globally and in the ACT; secondly, the ambition to limit the impacts of climate change through a two degrees warming scenario; thirdly, the latest information and analysis on the ACT's emissions and technical options for emission reductions; and, fourthly, the ACT's ability to reduce emissions as a relatively prosperous and well-educated region.

Madam Assistant Speaker, for your benefit and for the benefit of other members, I am happy to confirm that at the time I released that advice from the Climate Change Council it was made publicly available on the internet. It goes into much more detail than I possibly have time for today on matters of carbon budget, how this can be achieved with today's available technology and a range of other technical advice from key experts on our Climate Change Council. If members are uncertain about any of these points I am making today, I would encourage them to read that advice and appreciate the detail and thought that has gone into it.

Most importantly perhaps, the council's advice suggests that we can achieve this new target with technology that already exists today. It begs the question: why would you not do it if you can do it with technology that exists today, given the scientific advice that is before us?

We shared this advice with the community and consulted with them extensively on the adoption of the 2045 target. These efforts have been an acknowledgement of the fact that once the ACT is powered by 100 per cent renewable electricity in 2020, reducing our emissions further requires the community to help us by adopting more sustainable behaviours. We need their support and their buy-in.

Consultation began in December 2017 with the release of the ACT government's net zero emissions discussion paper. The discussion paper provided the opportunity for the community to give us its feedback on a number of key issues, including the 2045 target. During the consultation process, which closed in April this year, we received over 2,000 individual ideas from the community, community interest groups, industry bodies and businesses on how the ACT should be tackling climate change.

These ideas were innovative and inspiring. There was a clear desire from the community to go beyond government-based actions and to contribute. There is also clear awareness in the community that adopting sustainable behaviours such as putting solar on the roof or riding a bike to work rather than taking the car can have positive health and financial benefits for individuals that go beyond the benefit of reducing the territory's emissions. Most tellingly, we did not receive a single comment during our consultation process suggesting that we should not be taking steps to tackle climate change. It is fair to say that both the science and the community are behind us on this one.

In addition to this bill, I have adopted a series of interim emissions reduction targets by issuing the Climate Change and Greenhouse Gas Reduction (Interim Targets) Determination 2018. These interim targets will provide a pathway to ensure that we remain on track leading up to 2045.

The interim targets I have adopted are: 50 to 60 per cent less than 1990 emissions by 30 June 2025; 65 to 75 per cent below 1990 emissions by 30 June 2030; and 90 to 95 per cent less than 1990 emissions by 30 June 2040. These targets are now a signed instrument and we are committed to working towards them and to achieving them. They will help the community to keep government honest as we move towards 2045 and help government mark its progress as we achieve each of those interim milestones. We are already hard at work preparing a new climate strategy to ensure that we are on the right track to reach the 2025 target.

I conclude by speaking briefly to the costs of tackling climate change. In short, the cost of achieving net zero emissions by 2045 is uncertain. Much will depend on factors like changes in technology, markets and consumer behaviour. What we do know is that the cost of not taking action now can be catastrophic. We know that industry needs certainty and legislating this revised target today will ensure that companies will invest across the board in buildings, transport and energy to suit a low carbon future.

We also know that many of the measures we are taking to reduce emissions will make us more resilient to climate change impacts. These measures include constructing more modern and efficient buildings, moving towards a technologically advanced and diverse transport system, encouraging and supporting citizens who have the capacity and inclination for active travel, ensuring that our electricity supply is based on advanced renewables and distributed generation, improving the ACT's tree cover and water retention, and building a more compact urban form.

All of these will help us meet our long-term reduction goals and help to reduce costs for households and businesses. But they will also help us when heatwaves, storms and bushfires hit us in the future. They will make us more able to cope in an uncertain future and avoid damage to our environment, to our built form, to our economy and, most importantly, to the health and safety of our citizens.

On a global scale we know that the rest of the world looks to leading jurisdictions like the ACT to show how we can respond effectively to the threats of climate change. So we are not just looking after ourselves; we are also helping leaders around the planet to find solutions to this global problem. The ACT community is all too familiar with these issues. During our consultation process we received a significant amount of feedback from the community that we seriously risk creating problems for ourselves later if we do not act now.

We know that climate-friendly technologies are increasingly coming down in cost. For example, wind and solar generation are becoming cheaper and households are achieving major energy savings with solar panels. We also know that on a larger scale wind and solar are the lowest cost new forms of energy supply. When it comes to a levelled cost of energy, they are cheaper than building new coal-fired power stations.

Active policies to promote these leading technologies were drivers for these cost reductions. Since we announced our plans to move to zero emission vehicles we have seen tremendous new interest from manufacturers and users in these leading

technologies. Sustainable technologies which were not very long ago hugely uncompetitive are increasingly the only sensible economic choice for the future, even ignoring their environmental benefits.

Taking climate-friendly action also raises significant business opportunities for the ACT. The clean economy is the future, and we can either participate in it or fall behind. The government is already taking steps to take advantage of this shift. For example, we are committed to supporting new and innovative businesses in the zero emission vehicle sector to maximise job creation and economic development in the ACT. This Assembly should be lauded for the work that it has done to date to ensure that the ACT is tackling climate change.

I began this speech by highlighting some of the good work that has been done already in this space, whether it be in relation to zero emission vehicles or our electricity supply. However, the challenge does not stop there. We need to do more and we need to do it more quickly.

The ACT is a real leader in tackling climate change. Recently we have seen the commonwealth government fail to provide leadership on climate change, most recently with its disappointing removal of emission reduction targets, which were already inadequate. But they were subsequently completely removed from the national energy guarantee. My thoughts on this topic are well known and I do not intend to re prosecute them today.

Nevertheless, the ACT has a history of stepping up and providing a benchmark for others. It is up to us to make sure that we continue to do so in this climate. By bringing forward our net zero emissions target date to 2045, this bill is a key piece of the puzzle in ensuring that we do exactly that. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Harrison school—asbestos**

Debate resumed.

**MS LEE** (Kurrajong) (5.03): This morning after 11 the minister for education sought leave to make a statement about the handling of asbestos at Harrison School. Why the minister decided to thumb her nose at standing order 74, which requires that ministerial statements be circulated two hours prior to the commencement of the sitting day, and why the minister decided to make this statement by stealth, flies directly in the face of her supposed act of transparency in updating the Canberra community on this serious issue.

This is a practice which makes sense on an administrative front, as the paper is a document that the government wishes to make public and presumably the minister wants this update to reach as many Canberrans as possible. But it is also a matter of professional decency, a matter of common courtesy, to allow all members of this chamber to at least peruse the papers of a minister on important issues that impact many Canberrans. And, to rub even more salt into the wound, the statement was not even available to members to access until 2 pm this afternoon.

There is a reason why standing order 74 exists, and the minister has decided it simply does not apply to her. The minister may think that politics by stealth is a valid use of the time of this chamber and that the people of Canberra are well served by her tactics through this cheap political stunt. I respectfully disagree. On an issue as serious as the presence of asbestos in one of our schools, to provide an update by stealth is unbecoming of the minister for education, who commands one of the biggest directorates and a budget of almost \$2 billion. But we cannot be surprised, as it is just another indicator of the amateur and cagey way she has handled this entire issue.

The Canberra Liberals sought an urgent briefing from the minister on 30 August. We had no response and so followed up a week later. Finally we got a response from the senior adviser in the minister's office which basically said, "The minister will provide an update when she provides an update." That is now over a week ago. Despite repeatedly assuring the public that she would be providing the opposition with a briefing, she has failed to do so. It seems those assurances were pure theatre in front of the media only. The minister wants to look like she is transparent when she has absolutely no intention of doing the basic courtesy of keeping the opposition updated.

The minister may feel she is now off the hook, that her paltry effort this morning is sufficient. Well I, and I am sure a number of Canberra families, still have questions. The minister goes to great pains to outline a time line of events: when the report was first made, when it was first tested and when parents were notified. One date that is starkly missing from her statement is when she was first made aware of the incident. Was she made aware as soon as the directorate was notified? If not, why does her own directorate not trust her with something as serious as this? If so, why did she not know any facts when she was finally forced to front the media more than three days later? Why did she not take that opportunity to accurately update the community, instead of choosing to fling accusations at us for political point-scoring whilst incoherently reassuring the Canberra community that it was only one garden bed?

We now know that she was just plain wrong. When I called on her to apologise to parents, students and the school community for her inaccurate reassurances, her delays in communicating with the community and her poor handling of this issue, what did she do? What she does best: bury her head in the sand.

We still do not know why parents were not notified as soon as possible. When they finally were, why were they falsely reassured that it was only one garden bed? Why was the incident not treated as a critical one? What investigations have been done or are underway to make sure that there are no other schools affected?

I understand that the presence of asbestos at Mother Teresa school came to light due to the conscientiousness of the principal, who was proactive in asking for tests to be carried out there. But what about other schools? If no investigations are underway or have been undertaken, why not?

I commend the principal of Harrison School and the principal of Mother Teresa, who are no doubt working extremely hard to ensure their school communities are safe, kept updated and reassured. This is, of course, in stark contrast to the minister's handling of this issue, which leaves a lot to be desired.

The minister went on to downplay the seriousness of this issue by saying that the risk to health is low. I think every parent will agree that the presence of any asbestos at a school is a serious issue, full stop. If the minister cannot even see that, then she has no business being the Minister for Education.

**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 Sport and Recreation and Minister for Women) (5.08), in reply: This gives me the chance to respond to some of the comments that Ms Lee has made on this issue implying that I had somehow sneakily kept information hidden from the community when it has been absolutely publicly available.

I have been working very closely with the Education Directorate, with WorkSafe, with the WorkSafe commissioner, with the Education Directorate, with the school community, with the school P&C, with the school principal and with the parents to ensure that this matter is dealt with calmly and in an appropriate way, and that information was provided to parents and the school community in a way that did not incite fear amongst people where fear was not necessary in responding to this issue.

I have provided to Ms Lee and Mr Wall on other occasions information when a situation has been serious enough to provide that information. She was not shadow minister for education at the time, but I have history and form in providing information where the issue is serious enough for me to do that, and I will continue to do that.

I was asked to provide information to the Liberal Party when they all decided that they would go out and do their big press conference to try to scare the community on an investigation that was occurring and continued to occur while they were out there trying to score political points. The Leader of the Opposition, Mr Coe, was there. Shadow minister for education Ms Lee was there. Shadow minister for business and employment Mr Wall and shadow minister for planning Mr Parton—they were all there, recklessly seeking to stir up panic among the community about the non-friable asbestos contamination at Harrison School. They improperly used information about non-friable asbestos contamination at Harrison School and they failed to act with integrity and in the public interest.

The opposition, the four people I have identified, stood up in front of the Assembly after an email arrived at my office three minutes before they all got out there and said,

“I have sent the minister an email”—three minutes before they all got out there with the media doing their stand-up, saying, “I demand an urgent briefing.” I said I would provide information when that information was available, and I have provided it today.

All of the work that is happening at Harrison School is happening on the advice of WorkSafe. The Work Safety Commissioner, Mr Greg Jones, in his comments noted in the *Canberra Times*, said that the response was a “perfect response” to the situation. So I do not know what Ms Lee is calling for: a better than perfect response? In his words, it was a “perfect response”.

With regard to the risk of non-friable asbestos, the risk is low. On the advice of Robson, who are the experts at asbestos management plans, removal and remediation, and on the advice of the Work Safety Commissioner that the risk is low for non-friable asbestos at Harrison School, the work will be continued—

**Mr Parton:** It has been crushed.

**MS BERRY:** You need to read about it, Mr Parton, because now you are making up stuff. It is appalling behaviour by those opposite to try to scare the community unnecessarily. I, the Education Directorate and everybody else that has been involved have been calmly and appropriately making a considered response here.

A maintenance and removal plan will be set up. The community will be informed of that. It will be available at the school. A full report from Robson will be available at the school. There is an asbestos risk management plan, which will be available at the school. Information will be posted on the Education Directorate’s website as well as the Education Directorate’s Facebook page, and I am sure the P&C will also communicate this to their school community, as they have been doing all the way through this. I absolutely commend the work of the vice-president of the P&C in particular, Katherine, for all the work that she and her executive have done to ensure that the community at Harrison School are appropriately engaged.

With regard to other school testing, again there is more dog whistling from the Canberra Liberals around non-friable asbestos. That would occur on the advice of the experts—of the Work Safety Commissioner, Mr Greg Jones, and of Robson—on whether that should be the case. If that is the case then that is work that the government will do. But that advice is not the advice that I have right now. There is a very low risk. The Chief Health Officer has also been at those meetings saying it is a very low risk. We can only go on the advice of experts, provide that information in a calm and considered way and not do the sort of dog whistling scaremongering that the Canberra Liberals have been up to.

Question resolved in the affirmative.

## **Adjournment**

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

That the Assembly do now adjourn.

**Helen Petrou—tribute**

**MS CHEYNE** (Ginninderra) (5.14): I rise today with deep regret to acknowledge the loss to the Canberra community of Helen Petrou. I am one of, I expect, thousands of people lucky to have come into Helen's sphere of influence throughout her short life. And what a sphere of influence that was.

I first met Helen at the Hawker primary fete. It was 2016 and my first year volunteering there. I had been on a stall up at the preschool but with few customers coming my way. One of the fete organisers, Emma, who I acknowledge is here today, pointed me in the direction of an absolute hive of activity in the undercover area. That was the Hawker fete craft stall.

This was not just any craft stall; it was the most elaborate stall I have ever seen. While fetes across Belconnen and their craft stalls all show off incredible wares, the craft stall at Hawker fete is a step above. Fairy dust, paper flower posies, jewellery, zombie rocks, fairy wings, lanterns. It was no surprise that there was a swarm of children and parents around this stall.

The products were all lovingly made by the hands of a woman called Helen and her mum, Janet, this small but powerful team of women, a purposeful buzzing between them, making transaction after transaction. I helped them for the rest of the fete, my hands never stopping as cash was swapped for these items. But they were not just items; they were treasures. I left that afternoon with a bunch of these treasures myself, having helped Helen and Janet pack the car, a feat unto itself.

A friend of Helen's recently said it best: each person—and there were so very many—who purchased one of Helen's creations now carries a little piece of her enthusiasm and joy for creating beautiful things. I feel very lucky that I am one of those people.

Helen made an incredible impression on me. The Hawker fete is always a highlight for me, but seeing and assisting Helen in and in the lead-up to the fetes in 2017 and this year left me with this boost that is hard to describe. Since Helen's death, I have learned that this boost Helen could provide—only Helen could provide—was felt far and wide in the Canberra community.

It was felt absolutely in the Hawker primary community, where Helen was not only a fete fundraiser force, but a firm friend, supporter and nurturer to children, teachers and other parents. She was also an intensive care paramedic who topped her class, cross-trained and worked as a communication centre clinician, assisting thousands of Canberrans for two decades.

On top of this, she was an extraordinary cook and last year hosted a high tea to raise thousands of dollars for a charity she held very dear, the Tara Costigan Foundation. In one of our last conversations in person this year she told me how keen she was to do it again this year, insisting that I come.

Madam Deputy Speaker, what could she not do? When you think of a force of nature, you think of Helen. When you think of creative and classy, you think of Helen. When you think of smart and sassy, you think of Helen. And when you think of skilful and caring, you think of Helen. She embodied all of this, Madam Deputy Speaker. She was absolutely a class act.

The loss of Helen is the community's to share but for none more than her gorgeous mother, Janet, and her incredibly strong young daughters, Eliza and Virginia, who she loved so deeply. While her loss is deep—and it hurts; it really bloody hurts—her extraordinary impact is what we will take with us and hold carefully within us. There is some comfort in that.

### **Florey Neighbourhood Watch**

**MRS KIKKERT** (Ginninderra) (5.18): September is a good month to get stuck into some spring-cleaning, and 1 September this year was a beautiful time for my children and me to join Florey Neighbourhood Watch for an event that they named, appropriately, Clean Up Florey Day. The Florey branch of Neighbourhood Watch is a new one, only launched in March this year, but it has already grown to more than 90 members. It is organised and filled with enthusiasm, and it managed to pull off a fantastic day of service and fun for all who participated.

When we first arrived, my kids seemed less than enthused, but they quickly changed their minds as we registered, picked up our rubbish bags and gloves, and went to work in our assigned section of Florey. In the end, they admitted that they had fun. I want to thank Neighbourhood Watch for creating this opportunity for me to provide my family with another example of what it is to volunteer and to reinforce for them how important it is to engage in community service, taking pride in where we live.

I wish to thank area coordinator Sharon Leigh-Hazell and all who serve alongside her for successfully attracting so many volunteers to the event. Sharon had told me that it was her goal to attract a crowd, and she and her helpers certainly pulled this off. In addition to the satisfaction that comes from labouring side by side in meaningful community service, volunteers were treated to a raffle and a sausage sizzle.

It is my sincere hope that many other volunteer community organisations will follow the example set by Florey Neighbourhood Watch and draw local residents together to do good things in their suburbs. This is what a strong, vibrant community looks like.

### **Reclink Community Cup Greyhound racing—Community Values**

**MR PARTON** (Brindabella) (5.20): I rise to commend all those involved in the second Canberra Reclink Community Cup, which was played at Jamison Oval on Sunday afternoon. This is a fundraising AFL game for Reclink, which provides such amazing services at a number of our public housing complexes in the inner north. I have seen firsthand what Mark Ransome and the Reclink team do, and it just blows me away.



They are supported by the ACT government. They make a real difference in the lives of those who are either on the edge of homelessness or reintegrating into society after a disruptive life event. Mark and his staff genuinely save lives and they do it often. I am in awe of what they achieve from their little shipping container office at Kanangra Court, and it is my absolute pleasure to support them in whatever way I can, including the Reclink Community Cup.

The Reclink Community Cup pits musos, known as the Lime Stones, against the media, known as the Noise. For the second year I have been lucky enough to pull the boots on for the Noise, and this year I was joined by my erstwhile colleague the Leader of the Opposition, Mr Coe, who really can play. Seriously, he can.

I also managed to embarrass Ned and Josh, the breakfast hosts from Hit 104.7, into playing on Sunday, and they played a major role. I thank them. Thanks also to Geoff Buchanan and Chris Endrey for pulling things together for the Lime Stones. Thanks also to Sally Whyte and Eddie Williams for running the show for the Noise and to Tim Daly for all of his work in the background.

We must praise Emma Groves from WIN Television who was best on ground for the Noise during the game. She was a revelation, as was Finbar O'Mallon from the *Canberra Times*; ABC cameraman Matt Roberts—all six foot six of him; Andrew Brown from the *Canberra Times*; Fleta Page from the *Sydney Morning Herald*; also Brent Ford from 2CC, who kicked a couple of sausage rolls; Tom Iggulden from the ABC; the courageous Eliza Edwards; John Healy from *Grandstand*; Eryk Bagshaw; Steven Trumble; Sean Lawson; Cody Atkinson; Eliza Berlage; and others.

I must also congratulate the musos who won the game on the day—narrowly; we were robbed—but also the musos who did not actually play football on the day but who performed music on the day. At this stage I do not have the final fundraising figure for Sunday, but whatever it is, it is not enough, and I am sure we can outdo it next year. So bring on Reclink Community Cup 2019.

While I am on my feet, I know you have a soft spot for the greyhounds, Madam Deputy Speaker, so I must mention that the greyhound who drew his name from the words of the Minister of Regulatory Services—I am talking about the great Community Values—continues to go from strength to strength. He returned to racing from a short spell and blitzed them over the 530 metres at Richmond last week.

Community Values has had 22 career starts now for eight wins and seven placings. He has only missed a place on seven occasions, and he loves to run really, really fast. Whether he runs fast or not, he earns a soft serve at the end of each race and loves it. He has earned his connections nearly \$12,000, so if there are any members who were worried about syndicate members not recouping their original investment, please worry no longer; Nugget has won more than twice his purchase price.

Tomorrow night, Community Values will have his first outing at the mecca of greyhound racing in New South Wales. Yes, he will be going around at Wentworth Park tomorrow night for the first time. He has drawn box 5 in the ninth race. I know members opposite are partial to a punt, and he is \$7 in early markets.

## **Gungahlin—park**

**MS ORR** (Yerrabi) (5.24): I rise to speak about the community's views on the new park in the Gungahlin town centre. The new park is a linear park running from Anthony Rolfe Avenue to the Mulanggari grasslands and is part of the Gungahlin town centre east development, which provides for housing, commercial, business and community development and will undoubtedly further enliven the Gungahlin town centre.

The linear park will be a central feature of the development, establishing a public thoroughfare that connects all the new components. The indicative thinking for the linear park was first foreshadowed in the development application for the Gungahlin town centre east development. The DA indicated that the treatments for this park would be similar to other spaces in the town centre.

While Gungahlin residents love their town centre, they have made it clear they want more green spaces in it. With this in mind, I approached the minister for suburban development, Yvette Berry, and asked her if this linear park could be a little bit different. I asked her if this linear park could specifically have more greenery in it.

That request has started an ongoing discussion not only with the minister—who I note is supportive of the community's views feeding into the detailed design—but also the Gungahlin community. Over the last few months I have been out talking to residents of Gungahlin asking them what they would like to be able to use the park for. Asking people what they would like to be able to use a park for may seem like a simple question, but everyone is different and by asking the question we have gained insightful feedback.

Over 80 per cent of people indicated they would like a space where they could go and spend time with their family or friends. In addition, the majority of people indicated that they would like a space where they could have a picnic, relax and attend community events or exercise. When asked what they would like to see included in the linear park, one thing came through louder than all the others—people want a space that has lots of play opportunities for kids of all ages, and a space that is safe and has seating for parents to rest.

As one resident pointed out, the park also needs to provide space for all people, not just kids. A number of respondents indicated that they would like a place where they can go and relax and read a book under a tree. People also overwhelmingly indicated that they would like a space that is green and full of as much nature as possible. In fact, 95 per cent of people indicated that it was important that there was lots of shade in the park, and 93 per cent of people indicated that they would love a grassed area. There is also a high preference for a water feature that could double as a play opportunity.

Another theme that came out strongly in the responses was the hope the space would be an active space, providing lots of interest for the community to come together. One person noted that it would be nice to have a place that can host markets and festivals.

In addition, a number of people suggested including our community vegetable gardens or busking corners. Others put forward the idea of organising paint and play or a place for an Anzac memorial so that the Gungahlin RSL sub-branch could hold memorial services on commemorative days.

One person said:

Bring back public speaking and spontaneous creativity to public parks.

People of all ages are demanding different access to public debate, public poetry and public performance.

Most importantly, the art of public speaking with cheers, boos, interjections and smart arse commentary is essential for democracy.

I will shortly be writing to the minister and providing her with a summary of all the views residents have shared with me. I will also be providing this information to the second-year landscape architecture students at the University of Canberra. Last year's students worked with me on the Giralang community park, and following from that experience they approached me to see if there was another project I knew of that they could use for their design studio.

The timing worked out and now the students will be undertaking a study of the area and coming up with a range of concept designs for the linear park, all based on the feedback from the community. The feedback from the community and the concept designs from the University of Canberra landscape architect students will all help to better inform the Suburban Land Agency in their detailed design and, I hope, will shape the linear park to be a space that reflects the community as best as possible.

Question resolved in the affirmative.

**The Assembly adjourned at 5.29 pm.**

## Schedule of amendments

### Schedule 1

#### Betting Operations Tax Bill 2018

Amendment moved by Mr Parton

**1**

**Proposed new part 2A**

**Page 9, line 28—**

*insert*

#### **Part 2A                      Betting tax revenue**

##### **14A              Payment to racing clubs**

(1) For a financial year, the prescribed proportion of total betting tax paid to the commissioner under section 12 for the previous financial year is appropriated to the racing clubs.

(2) In this section:

*racing clubs* means the controlling bodies under the *Racing Act 1999*.

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