



**DEBATES**  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

**DAILY HANSARD**

Edited proof transcript

27 November 2018

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**Tuesday, 27 November 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.

**Minister for Health and Wellbeing**  
**Proposed motion of censure**

**MRS DUNNE** (Ginninderra) (10.02): I seek leave to move a motion of censure of the Minister for Health and Wellbeing.

Leave not granted.

**Standing orders—suspension**

**MRS DUNNE** (Ginninderra) (10.02): I move:

That so much of the standing orders be suspended as would prevent a motion of censure of the Minister for Health and Wellbeing.

The failures of the Minister for Health and Wellbeing in a range of areas make it necessary for this Assembly to consider her performance, and this is why the Canberra Liberals have brought this motion here today. It is pretty much unprecedented for a motion like this not to be dealt with immediately. The form and practice of this place and other parliaments have it that motions like this are dealt with immediately so that the matter is put to bed one way or the other, rather than having a motion like this sitting on the notice paper. It is always a reflection on a member to have a censure motion on the notice paper, and that is why it is imperative, for the sake of the minister concerned, for the sake of the member concerned, that we address this motion immediately.

The ignorance of those opposite—to not know the form and practice of this and other parliaments and to expose their member to having a motion on the notice paper for an extended period—shows their lack of understanding of the form, a lack of concern for their own member and a lack of concern for the issues that should be ventilated.

The litany of failures in the health system that go unanswered by this minister and this government is very long indeed and is a matter of considerable concern to many people—not just people who are actively using the hospital system, not just people who are employed in the hospital system but their families and the people who are afraid that they might have to go into the hospital system and would go to considerable lengths to avoid going into the Canberra hospital system. When you consider the amount of money that is spent in the Canberra hospital system, the signal failings of this minister need to be addressed in this place.

In a sense, it is no skin off my nose if this matter goes unaddressed and the matter sits on the notice paper as a constant reflection on and rebuke of the Minister for Health and Wellbeing. Quite frankly, the Labor Party would be better to deal with this matter, and if they do not think that it is an issue then they can stand up in this place and say how they support the Minister for Health and Wellbeing. They can line up in numbers to say that she is the greatest thing since sliced bread. The fact that they will not do it shows that they have a problem with their minister. They will let this fester on the notice paper rather than address the issue, rather than protect their own, because actually, in their heart of hearts, they know that they are failing the people of Canberra on this issue.

It is imperative that the area of the ACT budget where we spend the most is addressed when it is failing as comprehensively as it is failing under this minister and this government. It has got worse and worse and under this minister it has gone into rapid decline. A few years ago the head of the AMA said that if we did not do something the wheels would fall off. Madam Speaker, I am telling you that the wheels are falling off and this minister is the one who is responsible, and this government is unable and unwilling to address the issues.

It is important, it is imperative, that the issues raised in the censure motion be dealt with immediately. That is why I am moving the suspension of standing orders to allow this Assembly to do what it needs to do.

**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) (10.07): This suspension motion should not be supported; let us be very clear. We have a very good minister who has been delivering for the people of Canberra. We have a minister who is hardworking and respected across her portfolio areas. This is nothing more than a stunt from the opposition designed to distract from their failings, their failure to have ideas and vision for this great territory. In contrast, this government continues to deliver for a growing city, making Canberra an even better city.

Look at the agenda we have in this place this week. We have very important bills to consider this week, including the integrity commission bill. We have six bills to consider and a further nine bills to deal with. The opposition, the acolytes of Abbott, Dutton, Morrison and Seselja, the supposed bastions of conservatism and tradition, are void of ideas, and this stunt is right out of the Abbott playbook.

We will keep on with the business of this Assembly—

*Members interjecting—*

**MADAM SPEAKER:** Resume your seat, please. Members, there was some interjection when Mrs Dunne was speaking but in the main she was allowed to deliver what she wanted to say. Mr Gentleman.

**MR GENTLEMAN:** Thank you, Madam Speaker. As I said, we should get on with the business of this Assembly. We should get back to delivering what really matters—

*Mr Wall interjecting—*

**MADAM SPEAKER:** Mr Wall, no more.

**MR GENTLEMAN:** for Canberrans, making our city even more inclusive, progressive and connected, something this stable territory government has been doing and will continue to do.

**MS LE COUTEUR** (Murrumbidgee) (10.08): The Greens do not support the suspension of standing orders, for a couple of reasons. We have talked about these issues at great length in this Assembly. Virtually every sitting week we have canvassed them. I really do not think there is the need to push them in without any notice. This is my second point: I understand that admin and procedure has been looking at the issue of notice and, while this would be slightly premature, I think it would be possible for members of the opposition to reflect on what I understand admin and procedure is going to put forward. I think it is going to be a 90-minute notice. These things with no notice are simply ridiculous pieces of theatre.

**Mr Coe:** Not no notice.

**MS LE COUTEUR:** What notice? There is really nothing much more to say. The Greens do not support this.

**MR COE** (Yerrabi—Leader of the Opposition) (10.09): I think it is very important that the Assembly is able to do its job and hold this minister to account. That is our responsibility. That is what we have been elected to do. It is an important function of the Assembly that we hold the executive to account. They have to be responsible for the decisions that they make.

When I look at Mrs Dunne's motion—I look at 1(a) through to 1(e)—which of these is not true? Has there been systemic bullying at the hospital? Is there a poor culture and poor management? Is there a high turnover of staff in the ACT health system? Are there worsening elective surgery waiting times? Are there failures in infrastructure in the health system? Are there delays to the delivery of surgical procedures? Each of those is a matter of fact. They are all the truth.

This minister has been responsible for two years and prior to that was an assistant minister. For the last three years this minister has been meeting with the Director-General of Health on a weekly basis. Yet somehow this minister is not responsible. Somehow those opposite do not think that the Assembly should be holding the government to account. It is wrong. It is the opposition's duty to ensure that Canberrans are well served by their government and it is clear that they are not. They are particularly being let down by way of health services in the territory. The minister for health is, of course, responsible for that, and we should be able to have that debate here.

**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) (10.11): The government will not be supporting the suspension of standing orders, but I indicate to the opposition that, should they wish to bring this motion on tomorrow in private members' business, the government will support debate tomorrow. There is too much important business on the agenda today. Tomorrow, private members' day, knock yourselves out! We will support the suspension of standing orders to debate this first thing tomorrow morning. The government will not be supporting the suspension of standing orders today.

**MRS DUNNE** (Ginninderra) (10.12), in reply: To conclude, there is a strange concession from the Chief Minister that the number of hours that he is prepared to let this stand on the notice paper and let it go unaddressed shows just how much confidence he has in the Minister for Health and Wellbeing. This motion will go on the notice paper and it will be there as a reproach of the Minister for Health and Wellbeing.

**Mr Barr:** And it will be defeated tomorrow.

**MRS DUNNE:** The Chief Minister may anticipate debate as much as he likes, and he may, if he wants to, run interference for the Minister for Health and Wellbeing, but the people of the ACT know, and will continue to see, the failings of the Minister for Health and Wellbeing. This matter should be addressed now.

In response to Ms Le Couteur's address, there was not five minutes notice. The minister was given the sort of notice that is customary in this place. At the time of giving notice to the minister, which was about 9 o'clock—it may have been a few minutes either way—I also notified, so that the chamber could run more smoothly, both the Speaker and the Clerk. So there was notice given. There was not five—

**Ms Cheyne:** Did you email me just before we went into caucus? You know when we meet. You did that on purpose.

**MRS DUNNE:** The Assembly and the opposition have control over when they wish to censure. It does not have to give any notice under the standing orders but, as is always the case, if this matter does arise, the opposition does give notice. And on this occasion notice was given, not only to the member but to the Clerk and to the Speaker. There are a number of reasons why standing orders should be suspended, the main one being the failure of the minister and the fact that this motion, standing on the notice paper as it will, is an ongoing reproach of the minister, and that is why it needs to be addressed.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 11

Noes 14

Miss C Burch	Ms Lee	Mr Barr	Ms Le Couteur
Mr Coe	Mr Milligan	Ms Berry	Ms Orr
Mrs Dunne	Mr Parton	Ms J Burch	Mr Pettersson
Mr Hanson	Mr Wall	Ms Cheyne	Mr Ramsay
Mrs Jones		Ms Cody	Mr Rattenbury
Mrs Kikkert		Ms Fitzharris	Mr Steel
Ms Lawder		Mr Gentleman	Ms Stephen-Smith

Question resolved in the negative.

## Petition—ministerial response

The following response to a petition has been lodged:

### Workers' rights—petition 21-18

By **Ms Stephen-Smith**, Minister for Employment and Workplace Safety, dated 21 November 2018, in response to a petition lodged by Ms Cody on 25 October 2018 concerning support for the Government Procurement (Secure Local Jobs) Amendment Bill 2018.

*The response read as follows:*

Thank you for your letter of 25 October 2018 regarding petition No 21-18 lodged by Ms Bec Cody MLA providing support for the *Government Procurement (Secure Local Jobs) Amendment Bill 2018*.

I am pleased to advise that this Bill was passed by the Legislative Assembly on 25 October 2018.

The Secure Local Jobs reforms help give effect to the government's commitment to use its market and procurement power to positively influence the behaviour of employers and to ensure that workers are safe, treated fairly and have their rights at work upheld.

I thank you for bringing this petition to my attention. I am encouraged by the support of members of the community for the amending legislation and its objectives.

## Papers

The Clerk presented the following papers:

Icon Water Contracts with ActewAGL—

Corporate Services Agreement (redacted), dated 27 June 2012.

Customer Services and Community Support Agreement (redacted), dated 27 June 2012.

## **Justice and Community Safety—Standing Committee Scrutiny report 24**

**MRS JONES** (Murrumbidgee) (10.18): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 24, dated 20 November 2018, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report 24 contains the committee's comments on nine bills and one piece of subordinate legislation. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Scrutiny report 25**

**MRS JONES** (Murrumbidgee) (10.18): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 25, dated 23 November 2018, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report 25 contains the committee's comments on the draft Integrity Commission Bill 2018. I draw the attention of the Assembly to the tight turnaround time in which the committee was asked to consider this draft bill. The committee received the draft bill late on the afternoon of Friday, 16 November 2018 and met on the morning of Friday, 23 November 2018 to consider a report. This gave the committee's legal adviser less than a full week—around four working days—to consider the draft bill and explanatory statement, both of which are lengthy and complex. The arrangement is far from ideal, particularly as this is such an important piece of legislation for the ACT.

While the committee undertook this work, it is the view of the committee that, in future, only bills and subordinate legislation should be referred to the committee, in accordance with the committee's resolution of appointment. The committee asks that the Assembly take note of the purpose and function of the scrutiny committee and work towards ensuring that it is provided with sufficient time to scrutinise bills, in accordance with its resolution of appointment, rather than facilitating a rushed examination of a draft bill.

I take the opportunity to remind members that the committee has raised, a number of times in the past, the short time frames within which it is generally required to scrutinise bills. The committee remains concerned about the constraint on its ability to provide thorough scrutiny of bills with such tight time frames, which puts additional pressure on the legal advisers to the committee and the committee secretariat. In particular, I draw the Assembly's attention to the fact that our scrutiny committee has some of the shortest time frames in the country.

On behalf of the committee, I thank Mr Daniel Stewart, the committee's legal adviser for the scrutiny of bills, who has gone above and beyond to draft this report, and the committee secretariat for their extra efforts in the preparation of the report. I commend the report to the Assembly.

## **Environment and Transport and City Services—Standing Committee Report 7**

**MS ORR** (Yerrabi) (10.21): I present the following report:

Environment and Transport and City Services—Standing Committee—  
Report 7—*Inquiry into ACT Libraries*, dated 8 November 2018, together with a  
copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the seventh report of the Standing Committee on Environment and Transport and City Services. In August the committee commenced an inquiry into ACT libraries. The committee received 84 submissions and heard from eight witnesses during a public hearing.

The report makes 14 recommendations for improvement in public library services in Canberra, including an additional library branch for the Molonglo and Weston Creek region, an electronic booking system for meeting rooms, and after-hours access through parcel collect lockers.

The report also recommends several changes to further strengthen the efforts of Libraries ACT to engage with the community and to be accessible and inclusive to a wide range of community groups with diverse needs, including that the upcoming Libraries ACT strategic plan be developed through a co-design process with the community.

On behalf of the committee, I would like to thank all the witnesses and submitters for their contributions to this inquiry. It was a privilege for the committee to read dozens of personal descriptions of the impact of libraries on people's lives. It is clear that libraries are highly valued in the Canberra community and held in great affection.

Libraries improve quality of life, promote lifelong learning and contribute to social inclusion.

In conclusion, I would like to thank the other members of the committee, Miss Burch and Mr Milligan, as well as Ms Cheyne and Ms Lawder for their contribution to the inquiry before a change in committee membership. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Health, Ageing and Community Services—Standing Committee Report 4**

**MS CODY** (Murrumbidgee) (10.23): I present the following report:

Health, Ageing and Community Services—Standing Committee—Report 4—*Inquiry into the Implementation, Performance and Governance of the National Disability Insurance Scheme in the ACT*, dated 23 November 2018, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Today the Standing Committee on Health, Ageing and Community Services is tabling its fourth report for the Ninth Assembly. This report presents the committee's findings from its inquiry into the implementation, performance and governance of the NDIS in the ACT, which was self-referred in November 2017.

The committee received 70 submissions from a range of peak bodies, NDIS registered service providers, and individuals participating in the scheme and their carers, as well as the ACT government. The committee held seven public hearings, where it received evidence relating to a range of matters, including the operational aspects of the scheme and availability of services to NDIS participants, as well as broad structural matters related to the governance and review of the scheme.

The committee heard very clearly throughout the course of the inquiry that the current planning processes adopted by the NDIA are inflexible and at times inconsistent, which have contributed to the negative experiences of participants, their carers and families. As such, the committee found that further evaluation of the planning process is required to consider the inclusion of family plans, the adoption of a more flexible planning process to allow amendments to plans without triggering a plan review, consistency in funding across plans, and workforce development for NDIA planners to reduce casualisation and improve workforce expertise.

The committee also heard about the impacts of reducing funding for support coordination in participant plans. In particular, the committee heard that reduced support coordination after the participant's initial plan has contributed to the increased

need for advocacy services, as well as the increased demand on families and carers to take on the additional role of support coordinator.

Evidence also highlighted that, although the envisaged role of local area coordination was to facilitate support coordination, the current role has placed an emphasis on participant plans. This has resulted in insufficient support coordination being provided by local area coordination. The committee found that further evaluation of support coordination funding and the role of local area coordination is required to consider continued funding for support coordination beyond the participant's initial plan; funding to reflect carers taking on the role of support coordinator; and reviewing the processes utilised by local area coordination to ensure sufficient support coordination is provided to participants.

Evidence received also highlighted concern with the interface between the NDIA and other services. Specific concern was also raised with regard to the early childhood early intervention referral process for children born with hearing loss. In the course of the inquiry the committee became aware that, under the scheme, children born with hearing loss were not being referred to auditory specialists in time to commence therapy before the auditory cortex closed.

Noting the urgency of the issue, the committee wrote to a number of key agencies and ministers, both commonwealth and territory. After all evidence was heard, the committee found that early intervention for children born with hearing loss should be received immediately after diagnosis, the current pricing schedule should be reviewed, and the commonwealth government should retain Australian Hearing as the exclusive provider of paediatric cochlear hearing services. The committee also found that further clarification is required in regard to the roles and responsibilities of the NDIA and mainstream services, including health, education and transport.

After considering the submissions and evidence presented during the public hearings, the committee has made 30 recommendations that consider the relationships and interactions between the commonwealth, the NDIA and ACT government services, current and future funding concerns, and matters that the ACT government should raise with the COAG Disability Reform Council.

The committee also made 40 findings that consider the broader operation of the scheme. These recommendations and findings provide an opportunity for the ACT government, the NDIA and the COAG Disability Reform Council to make a substantial improvement in the quality of life to all those partaking in the scheme.

The committee wishes to thank all of those who have contributed to this inquiry by making submissions or appearing before the committee to give evidence. The committee recognises that a number of submitters and witnesses shared their personal NDIS journey and that this was not always easy. The committee appreciates the efforts taken by individuals and family members to share these personal stories.

I would like to take the time to thank the other members of the committee, both past and present, all of whom contributed to the report that is being presented today. I would also like to thank the secretariat, including Josephine, who came in late to

write this report, after hearings had been finalised. I commend the report to the Assembly.

**MRS DUNNE** (Ginninderra) (10.29): I would briefly like to add some comments to those of Ms Cody, the committee chair. I begin by paying testimony to the new member of the committee, Ms Cody, and also our new committee secretary. Both of them came to this well into the proceedings. They had a lot of work to do to get across the issues by reading the transcripts and the like, which is a very difficult thing to do. I commend them both for their work and, therefore, the quality of the report that we have presented.

I would like to highlight a couple of things that touched me personally during the inquiry. They were the stories that we heard from the Shepherd Centre about the lack of early intervention, or the fall-off of early intervention, through the introduction of the NDIS. The story that we were told by the Shepherd Centre and by the other hearing organisations is that if children are identified young—they are usually identified by postnatal screening before they leave hospital as to whether they have a problem with their hearing—and have rapid intervention, those children, after a period of probably four to five years of intensive training, go on to school and compete with their hearing peers on an equal playing field. They have the same language development and they succeed at school the same as their hearing peers.

However, if those interventions are delayed, their lifetime outcomes are also impaired. Yes, the early intervention is expensive. It turns out that it is about \$18,000 a year for four to five years. That is a lot of money, but it means that after that those children do not need anything except devices and they will continue with their lives and achieve at the same rate as their hearing peers. That is a symptom of how important early intervention is. It is the canary in the mine, really. If early intervention falls off, we will see children not achieving in the way that they can.

I think the very important recommendations and findings that come out of that relate to early intervention, not just for hearing impaired children but for children across the board. That early intervention stream needs to be ramped up to ensure that we get the best outcomes over the long term. Although we have to spend money now, in economically rational terms we will save money in the long term. We will also have better quality of life and better outcomes for those children and their families.

The other issue that I would like to touch on is the issue that Ms Cody also touched on, the workforce issue, particularly the casualisation of the workforce. When the NDIS was announced, it was said that this would be an area not only of great contribution to people with disabilities but also of economic growth. We were told that there would be growth in this sector. It is very hard to see that that is happening, or happening effectively, because of the casualisation of the workforce and the low pay of many of the people who provide essential services in this area. It is going to take some time to work out. But I do not think the NDIS will be sustainable if you have a low paid, casualised workforce providing very essential services in this space.

I think one of the things that probably have not come out so much in the discussion this morning is that the NDIS is a very important policy initiative. I note that we say

as much in a couple of places in the report. It is probably the most significant policy initiative since the introduction of Medicare. It has far-reaching implications. Although this report is filled with recommendations on how to do better, it is underpinned by the knowledge that this is a new policy initiative that is very far-reaching. There is universally strong support for this policy initiative. It is inevitable that in the early stages there will be criticism and recommendations for improvement. It is not a criticism of the policy. What we have drawn out here are lessons to be learnt to make a good policy better. I commend the members of the community who participated in this inquiry. I thank my colleagues for the very collegiate way we worked together on this very important report.

**MS LE COUTEUR** (Murrumbidgee) (10.34): I would like to start where Mrs Dunne ended, by thanking my fellow committee members, in particular our recently arrived chair and our not quite so recently arrived secretary. Both of them had to cope with doing quite a long report and not having been involved in all of the inquiry. I would also like to thank the many submitters, some of whose stories were literally tear-making. It is a very sensitive, emotional and important subject.

This was a somewhat unusual inquiry because, of course, the NDIS is not an ACT government scheme. As a result of that, while we have 30 recommendations, we have made 40 findings. We tried to look at what we could recommend that the ACT government could do. We may well have had strong opinions on the issues, but actually it was way beyond the scope of the ACT government, no matter how ambitious you are for us as a jurisdiction.

As Mrs Dunne said, it is a new scheme. Whatever happens, it is going to take a while before it is bedded down. I am probably not quite as positive as Mrs Dunne about it. I would make two reflections. As we said in the conclusion, the NDIA has highlighted that 52 per cent of NDIS participants did not receive support prior to the scheme. That is great. I assume that those 52 per cent of participants are all happy that the scheme exists. They may or may not have some problems with it. But one has to assume that this has been a good thing for them.

One of the things that gives me cause for more concern is that the National Institute of Labour Studies at Flinders University highlighted that a third of participants felt they were as well off as before. In other words, they were not any better off. Basically, things had stayed the same, and 10 to 20 per cent felt that they were worse off. So if you add up the people who think it was the same as before and the people who are worse off, that is around 50 per cent. I do not know if the conclusion is that the new people thought it was better and the old people thought it was the same as before or worse. We did not have enough statistics to go down that far. But it is a potential conclusion and, if it is the conclusion, it is a very worrying conclusion.

While I am talking about seriously worrying things relating to the whole scheme design, the fundamental change between the NDIS and previous ways of funding disability services was that previously the funding for disability services basically went to the service providers as block funding and they were meant to do as best as they could for the people who were in their cohort. We had lots of organisations

providing lots of very high quality care. It was being provided by people who often cared about it.

The new system is market driven. If you are an NDIS participant, the NDIA will say, "Yes, you need X amount of money to do X, Y and Z, and you are at liberty to go out and buy all those services." Of course, there are a number of issues with this. One of them is straightforward: knowledge. The participants may not know nearly as well as the previous block service providers what they actually do need. It is a significant issue in terms of market power. We do not have in any way a well-organised market here. Each individual participant, by definition, has a disability. We know that they are not the people who are most able to fight for their rights in our society. That is why the NDIS is helping them. But if you have one person with a small amount of money trying to find a service in what is now a very fragmented marketplace, you may have real problems.

One of our recommendations was that the ACT government should actually create a provider of last resort. We used to have a provider of last resort when people absolutely needed support and there was not any available. The ACT government used to step in and do that. No-one does it now. If you have run out of funding, it does not necessarily happen. As has been highlighted in a number of respite care cases, you may be someone for whom the NDIS funding is such that the providers all say, "No, we appreciate that you need this, but we cannot provide it for the money that you have." The providers have used up their reserves and there is no provider of last resort. One of our recommendations is that there should be a provider of last resort.

We have another two basic overarching recommendations. One of them is about early intervention. Mrs Dunne talked about this at some length from a hearing point of view but it is also clearly true from an autism point of view. Because of the structure of the NDIS, these are kids in Canberra that are not getting support as quickly as they would under the previous regime, where all that had to happen was for the parent to be told that their child had whatever it was. They would be told, "This is the group of people that has the block funding to deal with kids who have this issue. You go and see them tomorrow. You do not have to think anymore. They have worked out how to do this."

Under the NDIS there is a lot more bureaucracy before the treatment actually happens. For some things, if the treatment does not happen early on you may never be able to solve the problem, as Mrs Dunne talked about in respect of hearing impairment. For other things, it just means a lot more cost and a lot more pain for the kid, their family and society as a whole. We made recommendations which basically say that if the NDIS in some instances does not appear to be capable of funding interventions early enough to be useful, the ACT government should step in and do some targeted early intervention, because this is going to be in the best interests of the ACT as a whole, the babies and their families.

There is another area where it is very clear that there is a systemic gap. It is a systemic gap because the NDIS have said, "No, we do not think this is really our problem to do all of this; it is advocacy." Clearly, the people who have done well out of the NDIS are people who have someone who can advocate for them. That someone may be

themselves when, for instance, they have broken a leg and they are in a wheelchair—that sort of thing. They are often in an excellent position to advocate for themselves. But some people are not in a position to advocate for themselves and some people do not have family or friends who are in that position. Those people are not doing as well as they need to be doing. We heard from a number of ACT advocacy organisations that the demand for their services had gone up and that their funding had gone down. I am pleased to say that the last ACT budget included some more money for advocacy. But I fear that that is still not enough.

The other thing I really wanted to highlight, because neither of the previous speakers have highlighted it, goes on from my theme of advocacy. It is clear that some groups are under-represented in the NDIS participants. Culturally and linguistically diverse people are significantly under-represented in NDIS. Believe it or not, so are women. You would have thought we would not have been under-represented, but statistics I have seen suggest that we are under-represented there. I assume also that the Indigenous community is under-represented. I have to say “assume” because we did not even get any figures about Indigenous representation. Based on everything else, you tend to assume that the Indigenous community has not been able to make as good a use of the NDIS as some other parts of the community.

I commend this report’s recommendations not only to the Assembly but also to the ACT government and the NDIA. We said that we would send a copy of the report to that organisation. I hope that we, together with many other organisations and many other parliaments that are looking to these issues, will make a positive impact on the NDIS because, as Mrs Dunne said, this is a really important program. We want to do our best to make sure that it works well and that it works better than the previous program. We obviously have an increase in funding. We need to make sure that that funding is well used.

Question resolved in the affirmative.

## **Administration and Procedure—Standing Committee Statement by chair**

**MS J BURCH** (Brindabella) (10.45): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure. On Monday, 5 November this year the committee considered a letter from the Commissioner for Standards written to the Clerk of the Assembly in which he raised two matters for the committee’s consideration. The commissioner indicated that he had received a complaint against a member of the Assembly that involved words spoken in Assembly proceedings.

The commissioner sought guidance from the committee as to whether it was intended for him to investigate such matters. In considering the matter the committee was mindful that the UK Commissioner for Standards, upon which ours is based, does not have as part of their remit the ability to investigate members’ actions in the House of Commons or its committees.

The committee agreed that it should be the role of the Speaker, in the case of Assembly proceedings, or a committee chair, in the case of committee proceedings, to regulate members' behaviour and also noted that in the case of statements made in the Assembly there is a citizen's right of reply procedure or in the case of a committee proceedings an adverse mention procedure. I have written to the Commissioner for Standards to clarify this matter.

The second matter the commissioner sought clarification on was whether he was entitled to dismiss a complaint on the ground that the issues raised do not warrant investigation even if the complaint cannot be said to be "frivolous, vexatious or only for political advantage". Having considered the matter, the committee has agreed to the commissioner's suggestion that he be given this discretion. Accordingly, I have lodged a notice of motion to amend continuing resolution 5AA to this effect. I understand that that will come in on Thursday.

### **Economic Development and Tourism—Standing Committee Statement by chair**

**MR HANSON** (Murrumbidgee) (10.47): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism. Following the referral by the Assembly on 1 November this year of an inquiry into drone delivery systems in the ACT, the committee has agreed to call for submissions. The committee would like to hear from all parties involved in or affected by the trial, including residents, companies and regulators and anyone else who may be affected by the regulation of commercial drone activities. The committee is requesting submissions by close of business 22 February next year.

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

**MS CODY** (Murrumbidgee) (10.47): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services. The committee is currently inquiring into maternity services in the ACT and has called for submissions to be received by 7 December 2018. Noting the upcoming Christmas and New Year shutdown, at a private meeting on 20 November 2018 the committee resolved to extend the deadline for all submissions until 31 January 2019. The committee intends to hold public hearings following this date.

### **Administration and Procedure—Standing Committee Reporting date**

Motion (by **Ms Cheyne**, by leave) agreed to:

That the resolution of the Assembly of 1 November 2018 which referred the ACT Register of Lobbyists to the Standing Committee on Administration and Procedure for inquiry and report be amended by omitting the words "29 November 2018" and substituting "last sitting day in February 2019".

## **End of Life Choices—Select Committee Reporting date**

**MS CODY** (Murrumbidgee) (10.49), by leave: I move:

That the resolution of the Assembly of 30 November 2017, which established the Select Committee on End Of Life Choices in the ACT be amended by omitting the words “last sitting day in 2018” and substituting “last sitting day in March 2019”.

I thank the Assembly for their tolerance in granting the committee an extension of time to report. There was an overwhelming number of submissions and the committee believe that to consider all matters raised appropriately we need a little extra time to report. I also take the opportunity to acknowledge that the Clerk has been warning us for the last two years that our enthusiasm for committee inquiries may find us in a little hot water. Unfortunately that seems to be the case, with the volume of work catching up with the committee secretariat.

Question resolved in the affirmative.

## **Standing orders—suspension Extension of adjournment debate**

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

That so much of the standing orders be suspended as would prevent the time allocated for the adjournment debate continuing for 45 minutes for the next three sitting days.

## **Leave of absence**

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

That leave of absence be granted for all Members for the period 30 November 2018 to 11 February 2019.

## **Japan trade delegation Ministerial statement**

**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) (10.51): I am pleased to report to the Assembly on the recent delegation I led to Japan, in October. Consistent with the ACT government’s economic development and international engagement strategies, this delegation aimed to grow Canberra’s visibility in key markets and to promote our city as a trade and investment destination.

There is a very close and longstanding relationship between Australia and Japan, and its importance has extensive cultural, economic and strategic dimensions. Japan is among the top five priority countries in the ACT government's international engagement strategy, and we have cultivated and strengthened our relationship with Japan across many fronts.

During this mission I travelled to Tokyo, Osaka and Nara, meeting government officials, university researchers and business executives, exploring opportunities in research collaboration, investment in city infrastructure, and hotel and property development. I visited our close friends in our sister city Nara to celebrate the 25th anniversary of the sister city agreement between our two cities.

In Tokyo I met with the Ministry of Economy, Trade and Industry, which manages Japan's national innovation strategy and the planning and implementation of their national research and development projects. We discussed Canberra's strengths in research and development in the fields of artificial intelligence, robotics and autonomous systems and explored collaboration opportunities for Canberra universities and researchers. I advise the Assembly that the ACT government and the ministry are working to bring together the ANU's 3A Institute and similar Canberra centres and the Artificial Intelligence Research Centre in Japan.

The space and cybersecurity industries are amongst our city's top growth areas, and the ACT government is actively strengthening these areas in partnership with our higher education and research sector. While in Tokyo the delegation met with university and industry leaders to build stronger links between Japan and Canberra in these two areas.

As members are aware, Canberra is currently the home of the new Australian Space Agency—and so it should remain. Not only does our city have the critical mass of space-related national agencies but we also have a diverse ecosystem of large and small firms and innovative start-ups. I was pleased to meet with Professor Shinichi Nakasuka from the University of Tokyo. The professor is a central player in many of the projects at the Japanese space agency. His teams are developing a constellation of 20 small satellites for low earth orbit that Canberra-based Equatorial Launch Australia and the ANU can support. As a former ANU visiting research fellow, Professor Nakasuka understands Canberra's strong space industry credentials and continues to promote space industry collaboration between Canberra and Tokyo.

At the University of Tokyo I also met Jenny Corbett, Emeritus Professor at the ANU Crawford School of Public Policy and the inaugural Rio Tinto fellow for the Foundation of Australia-Japan Studies. Professor Corbett is establishing a new research fund between Japan and Australia, with the support of the Department of Foreign Affairs and Trade and Rio Tinto. I am pleased to advise that there will be opportunities for Canberra universities and researchers to further our research ties with Japan in our key capability areas.

I also met with Fujitsu senior executive Junichi Saito, head of global cybersecurity business, to present Canberra's cybersecurity strengths and to deepen our engagement

with Fujitsu in Canberra. In our city Fujitsu has over 80 cybersecurity professionals in its 750 staff, and I am pleased to advise this will likely increase when its Canberra global security operations centre opens in March of next year.

I also met with the Ministry of Education, Culture, Sports, Science and Technology to promote Canberra as Australia's knowledge capital and to discuss research partnership opportunities. The ministry is currently reviewing the Japanese government's overseas study policy and is internationalising school vocational education and training, and higher education. Through this meeting we gained insights into Japan's changing education landscape and how the ACT's education institutions can be part of Japan's growing offshore study directions.

In Osaka I visited Kansai Electric Power Company—KEPCO—to talk about the ACT government's renewable energy policies and to investigate collaboration opportunities around virtual power plants. KEPCO is Japan's second-largest electricity utility operating in the Kansai region. In April KEPCO partnered with the Australian blockchain-based cryptocurrency and energy trading platform Power Ledger to trial peer-to-peer renewable energy trading and to support the development of virtual power plants in Japan. I am sure members are aware of a promising virtual power plant trial currently being run in Canberra by Reposit Power and Evoenergy. The ability to exchange information regarding the virtual power plant trial experiences will benefit both KEPCO and the ACT.

As light rail stage 1 nears completion the ACT government is progressing the design and business case development for stage 2. I was very pleased to meet again with the leaders of the Mitsubishi Corporation, our major delivery partner in Canberra's light rail development. The meeting provided an update on progress for light rail stage 1 and planning for future stages of the light rail network. We explored new trade and investment opportunities for Mitsubishi Corporation in Canberra and supported the continuing relationship between Mitsubishi Corporation and the ACT.

In both Tokyo and Osaka I met with a range of hotel and property development investment companies interested in opportunities in Australia. There is no doubt that Canberra is emerging as a favourable destination for leisure travellers, all the more from the attention provided by our *Lonely Planet* endorsement for 2018. There is an outstanding pipeline of opportunities for expansion in the ACT hotel and accommodation market, particularly in the five-star and above category. Many of Canberra's key hotel assets are locally owned and managed, and the meetings provided opportunities for major Japanese hotel investors to be introduced to developers and property owners in Canberra for either potential acquisition or, indeed, development partnerships.

An important part of the program was a visit to Nara to celebrate the 25th anniversary of the sister city relationship between our two cities. The delegation attended a lunch reception held by Nara mayor Gen Nakagawa. Both parties acknowledged the achievements over the past 25 years. We continued discussions on further business, trade and cultural links, and confirmed arrangements for the mayor's visit to Canberra that was held in October as part of the Canberra Nara Candle Festival. As members

would be aware, the 25th anniversary celebration continued when the mayor visited Canberra with a delegation of Japanese officials, educators and students from Nara.

The mission achieved the primary objectives: to promote opportunities for Japanese investment in Canberra, to explore research and technology collaborations with the Japanese government, research institutions and businesses and to grow and enrich the sister city relationship with Nara. The ACT government will work on the new relationships formed and the investment and collaboration leads established during this mission.

Finally, I acknowledge the support provided to the delegation by Australia's Ambassador to Japan, the Hon Richard Court, and his staff, particularly Bassim Blazey, acting head of mission at the Australian Embassy in Tokyo; Mr Brett Cooper, Austrade general manager for north-east Asia; Scott Morriss, trade commissioner at the Australian Embassy in Tokyo; Peta Arbuckle, counsellor in education at the Australian Embassy in Tokyo; and Mr Joe Nakazawa, country manager for Tourism Australia in Japan.

I present a copy of the statement:

Japan delegation—October 2018—Ministerial statement, 27 November 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Ambulance demand and crewing Ministerial statement**

**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) (11.00): I rise to report to the Assembly on the ACT Ambulance Service, ACTAS, review of patterns of ambulance demand and crewing levels. The ACT government gave a commitment that by the end of this year I would report back to the Assembly on the outcomes of an ACTAS review of minimum crewing levels so that they more accurately reflect the minimum crews required during periods of known demand.

The current ACTAS policy on crewing levels originated in 2002, and the current minimum emergency operations crewing level was set in 2013. Under the policy, ACTAS aims for a minimum of 10 emergency ambulance crews during each shift and provides for two additional demand crews in each 24-hour period to assist in the management of peak periods of community demand.

As I have explained previously, and as advised by the Chief Officer of ACTAS, if it is known that there are not enough staff rostered to crew 10 emergency ambulances

during periods of known high demand, every effort is made to backfill the rostered shifts. This is done by offering overtime to paramedics to fill shifts. Overtime is also offered to fill shifts in periods of low demand; however, the same effort to backfill these shifts is not applied. In these instances ACTAS accepts operating with fewer than 10 emergency ambulance crews in the knowledge that the high standard of care for the community is maintained.

While this is how rostering was applied in practice, the flexibility was not documented in the ACTAS policy on crewing levels. Through its rostering efforts and operational performance, for the last six years the territory has benefited from ambulance response times that are amongst the fastest in the country, with the highest level of patient satisfaction. This was achieved despite demand increasing by 25 per cent over this same period. This would not have been possible without appropriately allocating resources across the majority of shifts over this period of time.

It is important to point out that the *Report on government services*, ROGS, data measures response times and patient satisfaction as the key performance indicators. The minimum crewing metric is not routinely used as a key performance indicator for ambulance services. For this reason, ACTAS has not previously reported on minimum crewing levels as a measure of its delivery of service to the community. However, in light of recent interest, ACTAS has been looking at developing an automated report to provide this information. This is currently done manually. I can advise the Assembly that between 1 July 2018 and 31 October 2018, 30 ambulance shifts fell below minimum crewing levels, representing 12 per cent of all shifts.

In relation to the ACTAS review, this was conducted by monitoring updated information on patterns of ambulance demand. Twelve months of recent data was utilised for the review across several ACT Emergency Services Agency sources. Case load information was mapped to area of the city, day of the week and time of day. ACTAS staff then met to analyse the information and determine the crewing levels required to match the demand at different times of the week.

From this work, the ACTAS operations management team have developed an updated ambulance resource plan. This plan is dynamic and flexible. It details variations in the number and location of ambulance resources, according to known patterns of demand. This will allow a more informed and appropriate crewing model, based on the predicted need, rather than just an arbitrary crew number across the whole of the week. The overarching ACTAS policy has been revised to reflect this flexible approach and to provide better guidance to ACTAS staff on how crewing levels should be applied to meet service demands and maintain public safety. The revised policy on crewing levels has been consulted on with the Transport Workers Union, the TWU.

The professionalism of the women and men of ACTAS has ensured that our response times have remained the fastest. Due to increasing demand being placed on ACTAS, the government committed to recruit additional paramedics through its 2016 election commitment. The government delivered on this commitment, announcing a significant funding package in December 2017, resulting in the recruitment of an additional 23 paramedics. An additional mechanic was also funded to enhance capability as we continue to increase the size of the ACTAS fleet.

Improving the health and wellbeing of all emergency services personnel, including our paramedics, is also a key priority for this government. In support of this, the government has committed to rolling out electric stretchers and power loaders to all ACT ambulances. Five new state-of-the-art replacement ambulances arrived in August 2018, fitted with electric stretchers. A further two ambulances are to be delivered by the end of this year. The rollout for the entire ACTAS fleet is on track to be completed by 2020. The government recognises the stress factors of being a paramedic. It is important that all emergency services personnel are aware of available support services and that they know we fully support them in minimising exposure to stressors and in recovering from any ill effects experienced in their line of work.

I would encourage members to go to the Parliament House website and read the written submissions received in relation to a current Senate inquiry into the role of commonwealth, state and territory governments in addressing the high rates of mental health conditions experienced by first responders, emergency service workers and volunteers. In particular, I draw members' attention to a submission by the ESA commissioner, Mr Dominic Lane, which is consistent with the government's focus on improving support for emergency services first responders. On 7 November 2018 Mr Lane and the ACTAS chief officer, Mr Howard Wren, were invited to give evidence at one of the public hearings in relation to this submission.

I note that the Senate committee is expected to provide a report in February 2019. The ACT government will consider what the Senate committee has to say on this important subject and any recommendations made for how we might better support our first responders. For ACTAS, the initiatives referred to in Mr Lane's submission are being progressed under the blueprint for change program. This ensures that they are underpinned by strong governance and resourcing. The blueprint for change project provides the framework for ACTAS to enhance professionalism by improving cultural standards and addressing workforce concerns around trust, conflict resolution, and leadership.

Following a number of years of hard work and implementation, it is anticipated that the blueprint for change project will transition to a business as usual phase by the end of this year. I have been invited to attend the last blueprint for change oversight committee meeting in the next few weeks to receive an update from the independent chair and committee on this important reform work. Early next year, I intend to provide the Assembly with an update on the blueprint for change project, including the status of all recommendations and the transition to new governance arrangements.

The actions taken by the government demonstrate its commitment to ensuring that Canberra continues to be one of the safest communities in the world to live, while also supporting the professionalism, resourcing and welfare of our dedicated ambulance workforce. I present the following paper:

ACT Ambulance Service (ACTAS) review on patterns of ambulance demand and crewing—Ministerial statement, 27 November 2018.

I move:

That the Assembly take note of the paper.

**MRS JONES** (Murrumbidgee) (11.08): The statement that the minister has just given is another appalling attempt by the minister to shift the goalposts and hide his failures in the management of his portfolio. As the minister stated, the minimum crew requirement has been in place since 2002. It was updated in 2013. For 16 years, minimum crewing was perfectly fine. But the moment the shadow minister asked a question, which took the minister well over three months to answer, and the minister became aware of his complete screw-ups in this area, he foreshadowed, in debate earlier this year, that he would take away, potentially, the minimum crewing level.

Here we are—surprise, surprise—some months later. A report has been done and suddenly it is the advice of the report that we do not need a minimum crewing level. This provides no certainty, no confidence, to either the people of the ACT or the hardworking ambulance staff who work day and night for our safety. Amazingly, this measure is now suddenly arbitrary. But it was researched and it was put in place, and for over 16 years this government relied on that figure to determine how many ambulances we need. What a disgrace.

The moment that I begin asking questions and show how this minister has failed, things just disappear. It is hard to believe that we do not need more crews now than we did some years ago. It is hard to believe that we now should rely on some obscure number not outlined in the minister's speech. We now have no idea how the minister will be determining how many ambulances Canberra should have—absolutely no idea. And his speech gives us no assurances that there will be any new calculations made, nor explains how those calculations will be made or why.

How did we get here? It was revealed through my questioning earlier this year, and starting last year, showing that there was by no means a will by this government to be transparent or to even know what problems were right under its nose—that 41.5 per cent of all ambulance shifts were crewed below the minimum crew level in 2016-17. That would have been a lot worse if it were not for the very hardworking members of the ACT Ambulance Service, who slog day and night. When they are asked to do overtime, at least some of them are doing a heck of a lot of that overtime. It is exhausting work and they need to be on board. This is no way to manage a workforce.

Not only this; it was revealed through a freedom of information request that the minister had sat on those figures for over 100 days past the due date, in an attempt to avoid or delay warranted public scrutiny. This is not about me; this is about the people of the ACT. This government has become remarkably arrogant in thinking that it can just hide, run away and shift the goalposts when the people of the ACT are asking for answers. It is absolute arrogance. It is not fair to either the members of the ACT Ambulance Service or the people who they willingly serve that this minister's response to such scrutiny is to hide and take away any measure of whether he might be able to improve things or not.

The minister already foreshadowed this. He foreshadowed this in the debate earlier this year. Maybe, he said at the time, it is not the right measure anymore. Surprise, surprise. As I say, here we are today. The minister has form in delaying, holding,

hiding and shifting the debate. He now has chosen to do away with this minimum crewing requirement as we know it. The government's mantra seems to be: "If at first you don't succeed, redefine success, shift the goalposts high and find a way of not answering any future questions." How dare the opposition actually hold you to account! How dare the opposition! Rather than face the music and put more effort into resolving the issues facing ACTAS, the minister has opted for the easy route: one round of recruitment and 23 additional staff. That may or may not fix the problems; we will probably never know.

The minister claims to be concerned for the health and wellbeing of our paramedics. Where was he when they were doing thousands of hours of overtime, attempting to fill the drastic shortfall in crewing levels? Where was he, this Labor minister who is meant to stand up for the workers, for the workforce, for those who cannot make determinations about how their system is run. It is ironic, isn't it? The Liberal shadow minister now has to work hard to protect workers from a Labor minister who does not care about the level of staffing until it becomes a political issue. Where was the minister when the system was absolutely reliant on overtime? It still could be; we will not know. It is very difficult to know without the minimum crewing level.

Overworked staff are being asked to do more and more. Until I raised it, nobody seemed to care. The government claim that they are behind this workforce. But their actions show that they are only behind their own maintenance of power. This change to do away with the measure of minimum crewing has no justification. Nothing in the minister's statement has justified either the removal of the minimum crewing level or its replacement, about which there are no details in the minister's statement. It is a very strong sign that the minister does not want to be shown up again. Shame on the minister. Shame on him for caring more about his own reputation than the workers he is here to defend. If he put half as much effort into managing ACTAS better, maybe we would have a properly functioning ACTAS. His mismanagement in this area has been significant. Our ambos and our community deserve better.

Question resolved in the affirmative.

## **Active ageing framework 2015-2018**

### **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) (11.15): I am pleased to provide members with an update on what has been achieved under the ACT active ageing framework 2015-18. In 2015 the ACT Labor government made a clear statement of our support for older Canberrans. This was in recognition of the importance to this city of our population aged 65 years and over. We had a vision for those senior Canberrans. We wanted them to lead active, healthy and rewarding lives as valued members of our community. We developed the ACT active ageing framework in consultation with the community to provide guidance to ACT government agencies in order to achieve this vision.

For the past three years the framework has provided direction to the work of government to take us forward as we seek to create an age-friendly city—a city in which older people are valued, respected and actively engaged in their community. This 2018 update is the third such update provided to the Assembly and the final one for our active ageing framework. The framework identified six areas of priority. These six areas were: civic participation and employment; communication, information and social participation; community and health services; housing, outdoor spaces and buildings; transportation; and respect and social inclusion.

To address these priorities, a set of actions has been identified each year in order to practically implement the framework. In 2017-18 we identified 10 actions for completion during the year. I am pleased to report that all 10 actions are either complete or equivalent work has been undertaken to meet the intent of these actions. A detailed report outlining progress against each of the 10 actions is available on the Community Services Directorate website.

Today I provide members with the highlights of that report. We committed to providing access to ongoing education and training opportunities for sustainable, alternative employment options for seniors. In April 2017 the government removed the limit on the number of subsidised Australian apprenticeships that a Canberran can access over their lifetime, improving access to traineeships and apprenticeships for older Canberrans. We also paid approximately \$600,000 in extra training subsidy payments for Canberrans aged 45 years and older to upskill or reskill through an apprenticeship or traineeship. As a result of these initiatives Australian apprenticeship commencements for Canberrans who are 45 years or older have increased by more than 200 per cent, compared with 2014-15 commencement numbers.

The 2017-18 ACT budget included \$1 million over four years to assist mature age workers to upskill and reskill. It also provided for the development of initiatives to boost the number of women working in trades. Drawing on this funding, Skills Canberra launched its mature workers grants program. Through this program Skills Canberra will fund activities that reduce barriers to participation in work-related training and associated support services that aim to improve the employment outcomes of mature workers. Under the mature workers grants program, businesses will also be provided with information about supports that are available to them to recruit and retain skilled, experienced workers to deliver the services, infrastructure and other major projects our city needs, now and in the years ahead.

In the second priority area, “communication, information and social participation”, the government funded the Council on the Ageing ACT to deliver Seniors Week celebrations. Over 4,000 people attended the Seniors Week expo, where they were able to find out about a range of services, programs and recreational activities on offer for older Canberrans.

The veterans and seniors grants provided \$80,000 for projects in the ACT, while other grants rounds, such as the multicultural grant program, the digital communities grant program and the community support and infrastructure grant program, included older Canberrans as beneficiaries. These grants often deliver small but life-improving

outcomes. ArtSound will use a grant to provide its *Senior Memories* radio program to three RSL Life Care facilities. The Belconnen community men's shed was able to buy a scroll saw for the use of its members. Woden Seniors was able to provide 20 members with skills training in handling food safely for their volunteer roles.

The projects funded through these grant programs are contributing towards older Canberrans being connected and active in their local communities. While most older Canberrans have the access and skills to find information and engage online, there are some older Canberrans who require help with this. Older Canberrans are able to access such support through a number of community and government funded initiatives. Libraries ACT provided 268 technology training sessions to the community, teaching participants to be smart, safe and responsible citizens in the digital world.

The 2017-18 veterans and seniors grants program also funded projects to build older Canberrans' digital literacy. Through the grant program, COTA ACT were able to deliver the GRIT—getting right into technology—program for seniors. Communities @Work were able to purchase a set of iPads which they are using to build seniors' skills in using technology while participating in their community garden project. The north Canberra branch of National Seniors was funded to provide technology training.

“Community and health services” was the third priority area under the framework. As evidence of this local commitment, the 2018-19 ACT budget includes an allocation of \$640,000 over four years for Legal Aid ACT to establish the Older Persons ACT Legal Service, which will be known as OPALS. OPALS has already commenced operations as a specialist legal service for older people in the ACT who are experiencing, or are vulnerable to, elder abuse. OPALS has also commenced working with agencies and community organisations in the sector to improve community awareness of elder abuse. It is doing this through community legal education and outreach, as well as by improving pathways for clients seeking assistance and support. The government also provided funding of more than \$177,000 to COTA ACT for the provision of information, advice and referral of older persons in the ACT community, including in regard to elder abuse.

ACT Health also provides services which build health resilience and independence for older Canberrans. The falls and falls injury prevention program works with individuals and with community organisations to raise awareness of how to prevent falls by older Canberrans. The transitional therapy and care program is a collaboration between ACT Health and BaptistCare NSW and ACT and assists to improve an older person's functional capacity and independence after a hospital stay.

Importantly, on 16 June this year, the new University of Canberra Hospital was opened. The University of Canberra Hospital is a dedicated and purpose-built rehabilitation facility which includes the Majura inpatient unit. This unit provides targeted rehabilitation for older Canberrans to assist their return to the community. It is very pleasing to be able to report on just how much this government is doing to support health resilience.

Under “housing, outdoor spaces and buildings”, the age-friendly suburbs program has been rolled out in Ainslie, Weston, Kaleen and Monash, bringing improved footpaths, additional ramps and upgraded lighting. Consultations on the age-friendly suburbs program continued in 2017-18 for the rollout of the program for Page and Hughes. The community’s feedback is being used to determine the priority upgrades in each suburb, and these were delivered in 2017-18.

Under “transportation”, priority, improvement works have been carried out on 68 per cent or 1,500 of the total 2,200 bus stops in Canberra, including making a number more accessible for older Canberrans. This work will continue in 2018-19, with priority bus stop infrastructure upgrades planned across the ACT to facilitate the expansion of rapid bus services across Canberra.

The final priority area for the framework was “respect and social inclusion”. During 2017-18 there were a host of key consultation forums which specifically targeted older Canberrans, including the age-friendly city review, the Retirement Villages Act review, the development of the ACT’s new housing strategy, the better suburbs community engagement, and the ACT movement and place framework.

Three thousand printed surveys were distributed during Seniors Week events as part of the age-friendly city survey. They were delivered to various community locations, including ACT public libraries, community centres and seniors centres. The survey was also available and promoted online through the your say website. There was a strong response to the survey, with 768 survey responses received. The survey results highlighted the important voluntary and caring roles that older Canberrans play and that most older Canberrans are active and healthy. The survey also highlighted the importance of tackling discriminatory and disrespectful attitudes and behaviours towards older Canberrans and raised access to public transport, affordable parking and safe walkways as important factors to Canberra as an age-friendly city.

Older Canberrans were also a target audience of consultation work done to prepare the ACT’s new housing strategy. In particular, the housing and homelessness summit in 2017 included a focus on the housing and support needs of Canberra’s ageing population, particularly older women. What emerged from this summit was that older people want greater housing choice. People also want access to affordable and secure housing that suits the needs of older people through investment in a broad range of housing models and incentives for co-housing and group share models, and more affordable rental models.

Older women with limited financial resources and at risk of homelessness were also a focus of discussions during the summit. In response to the issue, the government committed over \$1.7 million in the 2018-19 budget to establish a new service to better support older women who are experiencing financial stress to maintain their tenancies or identify more suitable sustainable housing before they reach crisis. The service will also look at the support needs of older women who are homeless and address homelessness gaps in services.

Under the housing strategy, the government has identified, as an action, the design and delivery of purpose-built housing that adapts to the needs of older people and people living with disability, including access to transport and amenities.

Our city is set to increasingly benefit from the wealth of experience and contributions of older Canberrans. As the number and proportion of the population of older Canberrans continue to grow, it is even more important that our city continues to advance as an age-friendly city. While the 2015-18 active ageing framework has drawn to a close, our work to advance Canberra as an age-friendly city is continuing. What we have heard from consultations with older Canberrans during 2017-18 is being used to inform the development of an age-friendly statement of intent.

The statement of intent will align with other key pieces of planning work, including the healthy and active living strategy for all Canberrans, the new transport strategy and the ACT planning strategy refresh. The statement will outline priorities and principles for an age-friendly Canberra which will serve as a platform for our continued action to advance Canberra as an age-friendly city. I look forward to presenting that statement early next year.

I present the following paper:

ACT Active Ageing Framework 2015-2018—Final update on progress—  
Ministerial statement, 27 November 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Multicultural affairs framework 2015-2020 Ministerial statement**

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (11.28): Thank you for the opportunity to provide the Assembly with a progress report on the implementation of the ACT multicultural framework 2015-2020. In August 2017 the former Minister for Multicultural Affairs, Rachel Stephen-Smith MLA, updated the Assembly on the government's achievements in 2016-17. Today I am pleased to provide a further update concerning progress on the achievements from August 2017 to date. Together with the Canberra community, we have made significant progress on the three themes of the multicultural framework, and this work will continue in 2019-2020.

People from culturally and linguistically diverse backgrounds make up 21 per cent of Canberra's population, contributing significantly to our economy and fostering social cohesion. Every year the territory welcomes thousands of new arrivals, the highest proportion under the skilled migration scheme, as well as through humanitarian

settlement programs, education institutions or family migration streams. Each of these people is a unique individual valuing their ethnicity, personality, socioeconomic background and aspirations. Because of this diversity Canberra's multicultural community, while essentially harmonious, is not homogenous. The purpose of the ACT multicultural framework is to strive for a connected community where everyone is respected, included and valued.

Both the ACT multicultural framework 2015-2020 and the first action plan 2015-2018 were established as a result of extensive community consultation. Under the framework, the government committed to deliver 28 actions under three main objectives. Those objectives are: accessible and responsive services, citizenship participation and cohesion, and capitalising on the benefits of cultural diversity. Over the past year the ACT government has continued to deliver on these objectives. According to 2016 census data, of the 76,000 Canberrans from multicultural backgrounds almost 10,000 stated that they do not speak English very well or at all, and that is why the government is committed to the use of accredited interpreters at service delivery points across the ACT.

Under the first objective of the multicultural framework, ensuring accessible and responsive services, the government committed to identify and support suitable people willing to undertake national accreditation to become qualified interpreters particularly in the languages spoken by new and emerging community groups. I am pleased to say that the Canberra Institute of Technology, through CIT Solutions, offers training to become an accredited interpreter. Skills Canberra is also working closely with Access Canberra to support and encourage the use of accredited interpreters across both government and community organisations.

The ACT government is working hard to ensure that information and advice are available for people with low English fluency. Across government, in Health, Education and Access Canberra, it is important that information is accessible and available to all Canberrans. To increase awareness of and access to ACT health services for newly arrived migrants and refugees in the Gungahlin area, Gungahlin community health centre is promoting the use of interpreters, conducting tours and delivering information sessions called using health services in the ACT.

The recently revised and updated ACT language services policy is based on best practice regarding the use of interpreters, multilingual staff and translated material and provides consistency across jurisdictions. English language support is provided to all refugee and asylum seeker students from preschool through to year 12 who live in the ACT. Surveys show that 47 per cent of our migrant community come to Australia for a better quality of life, followed by 32 per cent who are pursuing better career opportunities. Small businesses account for 33 per cent of Australia's GDP, and migrants own almost one-third of Australian small businesses. In the ACT we have supported many migrants through the ACT micro credit program run by Lighthouse Business Innovation Centre in making their business ideas come to life.

To further achieve the multicultural framework's first objective of accessible and responsive services, the work experience support program, WESP, supports people from culturally and linguistically diverse backgrounds who face significant challenges

to gain meaningful employment. The ACT government is working with Randstad, a commercial recruitment agency, to extend employment opportunities to WESP participants into the private sector in Canberra.

In April 2018 Multicultural Employment Services was granted funding to work with other ACT and regional settlement services to provide individual, case-managed employment support services. Further, in May 2018 the Migrant and Refugee Settlement Services and the CIT were contracted to deliver English language programs for refugees, asylum seekers on bridging visas and ACT services access card holders living in the ACT.

The second objective of the framework relates to citizenship, participation and cohesion. Participation in the workforce is a significant enabler for people from multicultural backgrounds settling in Canberra. This is why the ACT government provides opportunities for people from multicultural backgrounds to be job ready or for those with international work experience to find meaningful employment that recognises their expertise. CIT has a dedicated cultural diversity coordinator to guide and provide advice on tutorials and inclusive activities for students from culturally diverse backgrounds and, importantly, career advice on training and employment needs.

West Belconnen is a significant population growth region for people from a culturally and linguistically diverse background. The Ginninderry community, which crosses the ACT and New South Wales border in west Belconnen, established SPARK, an employment and training initiative, to provide targeted employment support to the growing population in that region. SPARK programs are aimed at key disadvantaged groups: youth, Aboriginal, mature aged, long-term unemployed and culturally and linguistically diverse people who are disconnected from the labour force.

SPARK has partnered with a number of ACT agencies and the community sector to deliver a range of programs including accredited training within the horticulture and conservation land management sector, the hospitality sector and the early childhood education and care sector. Ginninderry is part of the wider community in west Belconnen. SPARK provides the opportunity for people living in the region to learn new skills and become economically independent.

The government is also committed under the second objective of the framework to providing opportunities for people from multicultural backgrounds to be informed of and included in decision-making processes related to policy and practice. The recently launched diversity register encourages participation by people with diverse experiences and backgrounds to consider joining a board or committee. The online platform allows boards and committees with vacancies in the community, businesses, private sector and ACT government to be advertised and provides training and networking opportunities.

Another example of the government engaging with multicultural communities in decision-making is the commitment to establish the Multicultural Advisory Council. It was established in November 2017, comprising 10 community members and five representatives from peak bodies, bringing their expertise and relationship skills to

advance the lives of members of Canberra's multicultural community. Members from Canberra's community sector include culturally and linguistically diverse communities and they were invited to provide input to the future of education conversation this year which has led to the publication of the future of education strategy.

As our community continues to grow and diversify it is vital that we encourage cross-cultural and interfaith exchanges. These interactions break down barriers and clarify misunderstandings about people from cultural, religious and linguistic backgrounds that may be different from their own.

Canberra's diversity is exhibited through many events and celebrations such as the Diwali Festival of Light just passed, the World Curry Festival, Ramadan, Chinese Lunar New Year, the National Multicultural Festival, to name a few. All these celebrations promote interfaith and cross-cultural dialogue between people who are practising those cultures and people who are learning about them.

The Theo Notaras Multicultural Centre serves as a venue for multicultural organisations and cultural groups to support their respective members throughout the year. It is home to Muslim prayers on Fridays and the Chinese Seniors Group as well as the Tongan Language School, Italian choir, English language classes and a multicultural youth centre, to name a few.

The last objective of the multicultural framework is about capitalising on the benefits of cultural diversity. It has two current actions. One is to ensure that older people from culturally and linguistically diverse backgrounds enjoy a high quality of life including that their physical health and social wellbeing are supported through our service delivery system. The office for seniors and veterans, through the Ministerial Advisory Council on Ageing, disseminates information and encourages aged care facilities to embed good practices to ensure that all older Canberrans receive care that is respectful and culturally appropriate.

Canberra is growing its international partnerships including the recent commencement of two international flights into and from areas where many people from our city lived. We have our city relationship with Beijing in China and Nara in Japan, cities that we will continue to build relationships with, as well as with Dili in the Democratic Republic of Timor-Leste and with Hangzhou in China, all of which indicate growing partnerships in government, business and culture. I believe that members of Canberra's multicultural community have been great ambassadors in presenting our city to their relatives and friends from their countries of origin as well as to other countries.

The achievements made to deliver on the multicultural framework speak not only to the commitment of the ACT government but also to the wealth of expertise, wisdom and values that our migrant communities bring to Canberra. The objectives of the multicultural framework could not have been achieved without coordinated and cooperative implementation across ACT government directorates and the community.

We are now halfway through the 2015-2020 ACT multicultural framework and while much has been achieved there is still more work to be done. And our vision for Canberra is for the city to be an inclusive and cohesive place which draws on our diverse social, economic and cultural heritage, and that is not limited to the immediate actions under the framework.

The Multicultural Advisory Council and members of the culturally and linguistically diverse community in Canberra have been provided many opportunities to engage in discussions to develop a vision of a city for all Canberrans throughout 2018. One of those was held last week when the council partnered with the ACT government to deliver the ACT multicultural summit, which was the platform to inform our ongoing commitment to multiculturalism and was a commitment that Labor brought to the last election and was reflected in the parliamentary agreement.

As a precursor to the summit, a series of community consultation roundtables was held. Feedback from the roundtables contributed to a final discussion paper and formed the basis of the breakout sessions that were held at the summit. A significant outcome of the summit will be the development of the second action plan from 2018-2020. This inclusive approach to policymaking is in line with the governance approach to engaging with the community including providing a framework to ensure that Canberrans from all walks of life are included in informing policy decisions and service delivery.

I present the following paper:

ACT Multicultural Framework 2015-2020—Implementation and outcomes (First Action Plan 2015-2018)—Third update—Ministerial statement, 27 November 2018.

I move:

That the Assembly take note of the paper.

**MRS KIKKERT** (Ginninderra) (11.40): I thank the minister for the update provided on the ACT multicultural framework's first action plan 2015-2018. As the shadow minister for multicultural affairs I have frequently been asked about the progress in implementing the specific actions committed to under this action plan. As a consequence, in August this year I moved a motion calling on the ACT government to provide detailed and frank reporting on the progress of each action therein.

This is important because for many culturally and linguistically diverse Canberrans these are not just interesting ideas to talk about. These residents are eagerly awaiting the completion of these actions in order to fully access basic government services and fully participate in community life.

When I spoke in August I shared concerns raised by multicultural community leaders amongst others regarding lack of adequate translations for basic government publications and lack of accredited interpreters especially in new and emerging

language communities, both things this government promised to improve as part of its first action plan. Ms Stephen-Smith, the then Minister for Multicultural Affairs, amended the motion which was then passed.

The motion called on this government to provide an update on the implementation of the multicultural framework in a ministerial statement no later than the last sitting day of 2018. It also stated that this update should include which actions and outcomes have been fully achieved and when, which actions and outcomes are in progress, and which actions and outcomes have not been progressed, the reasons for any delay and projected completion dates.

In his update just now Minister Steel noted that the government committed to deliver 28 actions under three main objectives, I think I am safe in saying that having listened to the minister's update today no-one in this chamber would know better than we did first thing this morning which actions and outcomes have been fully achieved and when, which actions and outcomes are in progress, and which actions and outcomes have not been progressed, the reasons for any delay or projected completion dates.

I am happy to hear that the Canberra Institute of Technology is now offering training to become an accredited interpreter. This appears to be a new development. When I asked the former Minister for Multicultural Affairs less than four months ago what courses in the ACT were endorsed by the National Accreditation Authority for Translators and Interpreters she responded to my question on notice by referring me to the authority's website without providing more information. So I cannot be 100 per cent certain if this is a new development.

More to the point, no-one yet knows whether this government has kept its commitment to our multicultural communities to identify and support suitable people willing to undertake accreditation as formal interpreters to build a large pool of local interpreters, particularly in those languages for new and emerging multicultural community groups—a quote taken directly from the multicultural framework—and, if so, how many and in what languages. Nor do we know if any of this is in progress, the reasons for any delay or when we can expect to see results.

In short, what we heard just now was an update that is long on nice platitudes but short on any updating. It is certainly not the detailed and frank assessment this Assembly unitedly called upon the government to provide. This raises the obvious question: is this government hiding something or is it not competent enough to follow up on the reporting called for in a unanimously supported motion? Either choice suggests some kind of failure when it comes to keeping commitments with the multicultural community.

I am sorely disappointed that the minister would respond to the expectations of culturally linguistically diverse Canberrans in this way. A pat on the head and a smiling assurance that this government is “doing very well, thank you” is not the detailed or honest information that our community wants or needs to hear.

This is not what this Assembly agreed to in August. This is a snub to multicultural communities and makes a joke of the whole motion process in this Assembly. This

government must do better in this space, and I invite them to work with me to avoid these kinds of mistakes going forward.

Question resolved in the affirmative.

## **Mount Taylor—access and safety**

### **Ministerial statement**

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (11.46): I am pleased to update the Assembly on the commitment the government has shown regarding access to the popular Mount Taylor Nature Reserve. The number of people using Mount Taylor for recreation is continuing to increase, with the walking trail now attracting around 4,000 visitors per month.

It is fantastic to see so many people being active and making use of the nature reserve for recreational purposes. However, this has consequently seen an increase in the number of cars parking along Sulwood Drive, creating safety issues for road users. Providing safe and clearly designated areas for people to access the Mount Taylor recreation area was an important issue raised by the community. With up to 80 cars parked along Sulwood Drive next to Mount Taylor, upgrades to the verge are required to make sure that the area is safe and accessible for visitors and local residents.

The combination of the intersection of Mannheim Street and Sulwood Drive and the informal car park necessitates work to ensure safety for visitors and locals. In August 2017 I sponsored a petition in the Legislative Assembly on behalf of Canberra residents who requested traffic improvements around Mount Taylor. Following the petition and various requests from the community for improvements to parking and access provisions to the Mount Taylor Nature Reserve, representatives from the Transport Canberra and City Services Directorate met on site with concerned residents in early 2018 to discuss their concerns and explore possible solutions. The feedback provided by local residents was valuable, and I particularly acknowledge Taryn Langdon, the principal petitioner, for her constructive feedback and advocacy which helped to inform the design of the traffic improvements.

Our government is aware that the walking trails accessing the summit of Mount Taylor attract a large number of visitors every week. Access to the nature reserve is available from a number of suburbs on its perimeter, but the car park at Sulwood Drive in particular is the major access point for people wishing to access the mountain.

In September I was thrilled to announce that the ACT government has committed \$200,000 to convert part of the verge on Sulwood Drive into a car park, providing safer access for the many visitors to Mount Taylor. I am very pleased to report that works are now underway and include: a smooth, recycled asphalt surface that manages erosion and suppresses dust caused by the existing dirt surface; defined entry and exit points approximately 150 metres away from the intersection at Mannheim Street; new kerb barriers on the road's edge to prevent vehicles entering and exiting the car park directly around Mannheim Street and the intersection.

The car park will be constructed in two stages to allow parking access to be maintained for the duration of construction. Motorists are advised that the speed limit will be reduced to 40 kilometres an hour during work hours and 60 kilometres outside of work hours. Construction is expected to be completed in early 2019, weather permitting.

In addition to the improvements made to the car park, under our investment we will also be looking at safe pedestrian and cyclist access including: the investigation of shared path connections on the southern side of Sulwood Drive; possible modification of the intersection with Mannheim Street; and provision of a storage lane for vehicles turning right onto Sulwood Drive from Mannheim Street. Signs to other entrances on Sulwood Drive to Mount Taylor are also being considered.

I look forward to seeing these works completed in the new year and I hope to see more of our community safely enjoying Mount Taylor Nature Reserve in the future.

I present a copy of the statement:

Mount Taylor—Better access and safety—Ministerial statement, 27 November 2018.

I move:

That the Assembly take note of the paper.

**MR PARTON** (Brindabella) (11.49): I do not get many opportunities to heap praise on my colleague Mr Steel. I was thinking this morning that I do not know when the next one will be so I thought I would take this opportunity to do that. Credit where it is due: I applaud the minister and his predecessor for finally moving on this most needed work at the base of Mount Taylor. It has been far too long in coming. How we have not had a tragedy on Sulwood Drive is more about good luck than good planning. This work was needed years ago, but we should celebrate its commencement.

These works have been applauded right across the valley. I must say I am genuinely surprised when I go doorknocking in Tuggeranong by the number of people bring up the whole Mount Taylor parking situation and how they are pleased that we are moving forward. They want to talk about the push to improve safety at the base of Mount Taylor.

I am pleased to have played a part in this process with the motion that I brought to this chamber in September of last year. I applaud those, including Mr Steel, who were responsible for bringing the petition he mentioned late last year. As was the case when I brought that motion forward in September last year, all this has the support of all three parties here.

I will be personally checking on the progress of the work on Mount Taylor, and I will be pushing the minister regarding the additional improvements he has mentioned in his statement. I look forward to seeing the minister on the mountain sometime soon.

Question resolved in the affirmative.

## **Independent Integrity Commission 2018—Select Committee Report—government response**

**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) (11.51): For the information of members I present the following paper:

Independent Integrity Commission 2018—Select Committee—Report—*Inquiry into the establishment of an integrity commission for the ACT*—Government response, dated October 2018

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Independent Integrity Commission 2018—Select Committee Report—response of the Standing Committee on Administration and Procedure**

**MADAM SPEAKER**: For the information of members I present the following papers:

Independent Integrity Commission 2018—Select Committee—Report—*Inquiry into the establishment of an integrity commission for the ACT*—Response of the Standing Committee on Administration and Procedure, dated 27 November 2018.

Draft continuing resolution for dealing with claims of parliamentary privilege that arise during the exercise of the ACT Integrity Commission's powers and function, including explanatory material and practice notes.

## **Integrity Commission Bill 2018**

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

Title read by Clerk.

**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) (11.53): I move:

That this bill be agreed to in principle.

I am very pleased to introduce the Integrity Commission Bill 2018 to establish the ACT integrity commission. The creation of an ACT integrity commission delivers on

a central election commitment for the government. It is a core feature of the integrity and transparency package the government took to the community in the 2016 election. It is also an important commitment contained within the parliamentary agreement of the Ninth Legislative Assembly.

This bill is the result of a very extensive development and consultation process involving input from external experts, collaboration across government, and a select committee recommending and then reviewing the structure of proposed legislation. As a result, the government considers that the resulting legislation is best practice; incorporates the strongest aspects of legislation operating in other jurisdictions, including human rights compatibility; and will provide an effective and enduring way to deter, investigate and root out conduct that has no place in the ACT public sector.

As members are aware, on 31 October 2018 the Select Committee on an Independent Integrity Commission 2018 tabled its report. The committee recommended that the ACT government table a bill based on the Integrity Commission Bill 2018 exposure draft, incorporating amendments recommended in their report, and that the Assembly debate that bill. The committee also recommended that the Assembly not proceed with the private member's Anti-corruption and Integrity Commission Bill.

The government welcomes these recommendations from the select committee and thanks the committee for its work over past few months. The government carefully considered each of the 57 new recommendations of the select committee report. The bill that I am introducing today incorporates 52 of the 57 recommendations. Only one recommendation, which did not relate to the substance of this bill, has been disagreed with, while four other recommendations relate to a non-legislative response or action and are matters, rightly, for the Assembly as a whole.

Recommendation 3 of the select committee's report provided for a detailed process to enable the passage of the bill in this last sitting week of 2018. In order to meet this time frame, the government publicly released its response to the select committee report, along with a revised bill and an explanatory statement, on 16 November 2018. These documents were provided directly to members and the Standing Committee on Justice and Community Safety in its scrutiny role.

I have appreciated the significant interest in and engagement on this piece of legislation from many members of this place and particularly the scrutiny committee. Constructive discussions have taken place over the last week with the Liberal and Greens parties to refine the bill. Some of the comments received during this time related to existing issues, while others were newly raised. Possible areas of amendment have been considered, and requests for further information responded to, with the aim to reduce the areas of difference. I am pleased to advise that the bill I am tabling today includes amendments made through these discussions, reflecting the good faith approach the government took to these talks, and our recognition—and this is an important recognition—that all parties should have ownership in the effectiveness of this new body.

Considerable time and effort has gone into considering and incorporating as many of these suggested amendments as possible while retaining the effectiveness and internal

coherence of the new commission. I would like to put on the record now my thanks to Assembly members for the way in which we have been able to work together across party lines through this process. Of course, given the different approaches and perspectives of the parties, it was not always possible to incorporate all proposed amendments. But I am sure MLAs who contributed to this process will be able to see many of their suggestions incorporated into the bill.

I am confident that the bill I am presenting today will establish a commission that will be effective in deterring and combating any risk of corrupt conduct in public administration, while also strengthening confidence in ACT governance and decision-making processes. The government also considers that the bill strikes the right balance between creating a commission with the necessary significant coercive and intrusive powers and being compliant with obligations under the Human Rights Act 2004. A significant number of provisions in the bill are based on the Victorian Independent Broad-based Anti-corruption Commission, IBAC, and its legislation. This is the case because the ACT and Victoria are the only jurisdictions which have human rights legislation.

I would like to address some of the key aspects of the bill. The government has considered the committee's recommendation in relation to the definition of corrupt conduct and has amended its definition to more closely reflect the New South Wales Independent Commission Against Corruption definition.

I note that the committee agreed with the government that the commission's focus should be on serious and systemic corrupt conduct. The government remains of the view that minor misconduct or allegations of inappropriate behaviour should not be within the commission's jurisdiction. This position is consistent with the 2017 select committee report. There are numerous existing provisions and oversight mechanisms in place for dealing with the misconduct of, for example, members of the Legislative Assembly, statutory office holders, ACT public sector employees and third-party contractors. These mechanisms, we believe, sufficiently deal with these matters.

The commission's principal focus should be on the sort of conduct that would bring the ACT's decision-making processes and reputation into serious disrepute. The commission should not be a clearing house for extremely low-level internal misconduct complaints. The government considers that the right test has been developed and included in this bill, following extensive discussions across parties.

The bill requires mandatory reporting by all senior public servants and members of the Assembly, as well as ministerial and opposition leader chiefs of staff, and creates an offence for failing to comply with this mandatory reporting requirement, following a recommendation from the 2018 select committee. It is important to note that this mandatory reporting provision is not in effect in any similar pieces of legislation in other jurisdictions. The government, in agreeing to the committee's recommendation, intends to send a clear message to every senior public official that an obligation rests with them to maintain the highest ethical standards themselves and within their teams and that, if they suspect serious wrongdoing in their own areas or across government, they are beholden to report it to a body with the powers to fully investigate it.

This bill will further strengthen the ACT community's confidence in the integrity of the Legislative Assembly and of the public sector. As flagged, it is one important component of a broader government integrity package being introduced in the Assembly this week, which includes electoral reform to ban political donations from property developers and to close other loopholes potentially used to circumvent the spirit of ACT election rules. The government also recently moved for the Standing Committee on Administration and Procedure to inquire into the expansion of the lobbyist register to capture more individuals, companies and industry associations.

This bill has been drafted to ensure the protection of a person's human rights under the Human Rights Act 2004. Where a human right may be limited by the operation of the bill, sufficient safeguards have been incorporated to reduce any undue impact. The commission will have extensive powers of entry, search and seizure, set out at part 3.5. It will have the power to hold examinations, which may be public or private. Determination on whether a particular examination will be public or private will be made by the commission after applying a public interest test and other considerations set out in the bill.

Another key aspect of the bill is that it allows the commission to investigate alleged corrupt conduct in relation to all ACT public sector entities, their employees and contract staff in government directorates and territory-owned corporations. It covers judicial officers, members of the Legislative Assembly and their staff. Its jurisdiction will also extend to those performing functions of a public nature. Importantly, any conduct since the commencement of self-government, back to 1989, will be able to be investigated by the commission, even if it has been the subject of a previous investigation.

Earlier this year the government indicated its initial view that judicial officers need not be within the jurisdiction of the integrity commission, on the basis that there was already sufficient oversight through the Judicial Council and Judicial Commission. However, I can advise today that the government has further considered the matter, following the select committee's recommendations and, in agreement with all parties in the Assembly, has included judicial officers within the scope of the commission.

To ensure that the separation of powers is maintained, the integrity commission will not be able to investigate complaints made about judicial officers that directly relate to a judicial decision or process. The power to impose a sanction against a judicial officer will remain with the Judicial Council or here with the Legislative Assembly. This approach retains the independence of the judiciary, encourages a collaborative approach between the integrity commission and the Judicial Council, and is consistent with the approach taken in other jurisdictions such as New South Wales, Victoria and the Northern Territory.

Madam Speaker, the ACT's integrity commission will be independent. It will be led by an officer of the Legislative Assembly, appointed by the Speaker. The open and competitive appointment process in the bill requires that a former judge be considered in the first instance, with the field being open to experienced lawyers after former judges have been considered. It is the government's view that the appointment bar

should be set at a high level and that a former judge would be appropriate to be the territory's first integrity commissioner, if such a suitable candidate is available, particularly given that the commission will have coverage of judicial officers.

The commissioner cannot ever have served as an ACT MLA or as an MP of the commonwealth parliament or the parliament of another state or territory. This is to avoid any perception of political bias. To be eligible for appointment, commission staff must also not have served in the ACT public service for at least five years. Again, this is to avoid any perception of bias in the involvement in an investigation into former colleagues. This is a change from an earlier version of the bill, and this change was made on a balance of factors, noting that in a small jurisdiction such as ours, this may limit the number of suitable and qualified applicants for roles within the commission.

The bill also establishes the role of inspector, at chapter 5. This has an important oversight function over the commission. In the current bill, the commission will be required to make a monthly report to the inspector on its use of powers to ensure that the commission is not overstepping its legislatively authorised role. The bill has been amended to provide for the ACT Ombudsman to be the inspector until such a time as an appointment is made. It is the government's view that the ACT Ombudsman is well placed to be the inspector, as these functions are complementary and consistent with the ACT Ombudsman's existing role.

There are challenges in establishing and appointing a further statutory officer in a small jurisdiction like the ACT to provide oversight over the commission, particularly in the early stages of the commission commencing operations. As members would be aware, the government has appropriated funding of \$8.4 million over four years in the 2018-19 budget to establish the ACT integrity commission, which also includes funding for the inspector. It is anticipated that the integrity commission will be operational from 1 July 2019. However, the commissioner and other staff appointments can be made prior to this time.

Madam Speaker, I would also like to highlight that I will table today on behalf of the government the Integrity Commission (ACT Policing) Amendment Bill exposure draft. The exposure draft provides that the commission's jurisdiction extends to members of ACT Policing. As I am sure members are aware, the Assembly does not currently have legislative power under the self-government act to make laws in relation to ACT Policing. However, the government firmly believes that ACT Policing should be included within the scope of the integrity commission, just as the police forces of other jurisdictions are covered by their integrity commissions.

However, due to the unique nature of the ACT's policing structure, and the restrictions on the ACT's capacity to bind federal organisations, it is not possible at this time to include ACT Policing provisions within the bill, absent of the legislative power to do so. Instead, the government has prepared the exposure draft to signal to the Assembly, to ACT Policing and to the commonwealth government that we are committed to the integrity commission having oversight of ACT Policing.

Members would be aware—indeed, the broader community would be aware—that the establishment of a national integrity commission is currently being very rigorously debated in the commonwealth parliament. There are certainly a broad range of opportunities open to different levels of government to ensure that ACT Policing is covered by a strong integrity framework.

The ACT has, over the past several months, been actively pursuing a commitment from the current federal government to amend the ACT self-government act to allow commission coverage of ACT Policing. However, progress at the federal level on integrity matters is somewhat slow, so I am yet to receive any formal agreement from the current Prime Minister about these necessary amendments. While this amendment does not appear to have been a high federal priority thus far, we will continue to negotiate to amend relevant commonwealth legislation to include ACT Policing within the scope of the ACT integrity commission. The commencement provisions in the exposure draft have been delayed by 12 months to allow for these negotiations to progress.

Madam Speaker, members will also be aware that on 23 November this year the Standing Committee on Justice and Community Safety released the scrutiny report on the draft Integrity Commission Bill 2018. The government has considered the issues raised by the standing committee, primarily around the potential limitation of rights under the Human Rights Act 2004 and some significant procedural fairness and natural justice matters. I can advise that the government has agreed with the committee's recommendations. These issues that have been raised are significant, and amendments are incorporated into the tabled bill. Of course, we will go into further detail in the debate on the bill on Thursday.

I have placed on the public record a number of times that, subject to the views of the Assembly, it is the government's intention that standing orders be suspended on Thursday to allow for this bill to be debated, so I will be seeking the Assembly's support to allow the bill to be passed this week. Debate and passage of the bill this year will allow recruitment to commence for key roles within the commission. This in turn gives the commission the best opportunity to commence full operations by mid-2019. As evidenced by the early funding appropriation, the government is determined to allow the commission to become operational as quickly as possible.

Madam Speaker, I would like to thank the select committee once again for its comprehensive and constructive reports. I would also like to thank members of the Assembly for their commitment to further strengthening public confidence in parliamentary and public sector integrity.

It goes without saying that it has been an enormous effort to produce a government bill of such complexity within such a short period of time, incorporating recommendations from two detailed select committee reports, and with such strong Assembly stakeholder interest. I would certainly contrast the approach here in the ACT with what is playing out federally at the moment on exactly the same issues. They are exactly the same issues, yet we have been able, through a collegiate and collaborative approach, to work together to produce a very detailed piece of

legislation that has gone through considerable scrutiny and engagement across all parties in this chamber. Frankly, it is a testament to the more constructive nature of this chamber, as opposed to what we see in the federal arena, that we are where we are today.

With the introduction and passage of this bill, the government and this Assembly will demonstrate their commitment to strengthening integrity and transparency measures and, I think, on delivering on our collective election platforms. I am looking forward to debate on this bill later this week. I am confident that the legislation will pass the Assembly with the tripartisan, unanimous support of all parties. This would be a demonstration that all sides of politics are committed to strengthening our territory's governance frameworks.

Having said all of that, Madam Speaker, I thank the parliamentary drafters and the chief minister's directorate in particular. They have worked incredibly hard on this legislation. I commend the bill to the Assembly.

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

**Integrity Commission (ACT Policing) Amendment Bill 2018—  
exposure draft  
Paper and statement by minister**

**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) (12.14): For the information of members, I present the following papers:

Integrity Commission (ACT Policing) Amendment Bill 2018—Exposure draft,  
together with an explanatory statement.

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

Leave granted.

**MR BARR:** As I just mentioned, I am now tabling the Integrity Commission (ACT Policing) Amendment Bill exposure draft, alongside the Integrity Commission Bill 2018. The exposure draft provides that the commission's jurisdiction extends to members of ACT Policing.

The government firmly believes that ACT Policing should be included within the scope of the integrity commission, just as the police forces of other jurisdictions are covered by their integrity commissions. However, as is very clear, the Assembly currently does not have legislative power under the self-government act to make laws in relation to ACT Policing. The tabling of this exposure draft signals the government's intention to cover ACT Policing within the jurisdiction of the ACT integrity commission. However, it is not possible at this time to include ACT Policing provisions within the bill without sufficient legislative power under the self-government act.

I trust that this exposure draft provides a commitment to the Assembly, to ACT Policing and to the commonwealth government that we are continuing to progress this issue so that the territory's integrity commission can have oversight of the territory's own police force.

## **Gaming Legislation Amendment Bill 2018**

Debate resumed from 1 November 2018, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (12.16): The Canberra Liberals will not be supporting this bill. Everyone from the community clubs sector is watching this with their head in their hands because we are seeing the slow execution of the clubs sector, and this legislation is another blow. We should not expect anything less from Labor's power-sharing partners, the Greens. The Greens and their base have never understood clubs, they have never understood this sort of community and they certainly have never understood the concept of wagering on anything.

What is most disappointing to me, and to all of those in the community clubs sector, is that this bill and others before it in this space have the signature of a Labor minister on them. Mr Ramsay's understanding of the gaming space is all one-sided. I am sure he means really well, but he cannot concede that there can be any benefit whatsoever from someone having a punt. Mr Ramsay has never had a bet on anything in his life and he finds it impossible to relate to anyone who does.

Every single piece of legislation that this minister has presented in this space is underpinned by ignorance and revenge. Mr Ramsay has no idea how this space works and he does not ever want to find out, because those evil clubs fought to remove the government in 2016 and, according to Mr Barr and Mr Ramsay, they must be punished; they must be isolated, bullied and punished.

I am dismayed. Like you, Madam Speaker, I live in the Tuggeranong Valley. For the benefit of Mr Barr, Mr Rattenbury and Mr Ramsay, it is a faraway land south of Hindmarsh Drive. We use the same currency as the rest of Canberra. You do not need a passport check to get in there and, by and large, despite quite a few nuanced differences, we speak the same language. I am sure Mr Barr, Mr Ramsay and Mr Rattenbury could understand a Tuggeranong conversation if they happened across a group in the street or in a club—not that they would find themselves in a club.

It is a magical place surrounded by rolling hills. Most of the people live in stand-alone houses on big blocks with these curious clothes drying structures known as Hills hoists in their backyards. If they do not wear hi-vis at work, they all know someone who does. They tend to have a bet on the Melbourne Cup and they can tell you who won Bathurst this year—and, for Mr Ramsay's benefit, it was Craig Lowndes in a Holden this year.

Someone once said to me that Tuggeranong is the place in Canberra which is most like the rest of Australia, and I think they would be right. Madam Speaker, the point that I am trying to make is that, compared to Mr Barr's vision of a soy latte sipping, solar panelled, non-gender-specific, cool little compact capital, Tuggeranong is vastly different. Community is different in the valley, and that community is often based around the local club. The Vikings in four different locations, the Southern Cross Club in the town centre, the Calwell Club: these are places where working people, retired people, young people and families are brought together under all sorts of banners, whether it be sport, community organisations or just a great meeting place.

Mr Barr, Mr Rattenbury and Mr Ramsay do not understand that concept of community, and they will do whatever they can to destroy it. And it will not just affect Tuggeranong; it will affect Woden, Belconnen, Weston Creek, the inner north, the inner south and Gungahlin. They will all be hit.

Let me quantify that hit for you. Let me explain it in pure, raw numbers. The raw number I am going to focus on is \$2 million. And please understand, Madam Speaker, that that figure is not entirely about this bill; it is about changes made over a year or so, but most of it is contained in this bill. Let us start with the problem gambling assistance fund. The contribution was raised from 0.6 per cent to 0.75 per cent as at July 2017. This change saw an additional \$250,000 levied across the clubs sector. That was on 1 July 2017. On 1 July 2019 the contribution to the Chief Minister's fund in this bill will be introduced at 0.4 per cent, and a separate harm minimisation fund will be introduced at 0.4 per cent. At current net gaming revenue levels, that equates to an additional \$750,000. This money is not discretionary for the club; it is not a charity; it is a tax—three-quarters of a million dollars. Our tally is up to \$1 million.

On 1 July 2019, additionally, a new levy will be introduced—and this is the biggest kicker in this bill—on each gaming machine owned by a club, at \$20 per machine per month on the first 99 authorisations, and then \$30 per machine per month thereafter. This tax equates to around a million dollars across the clubs sector.

If you add them all up, we are talking about two million extra dollars that this sector has to find from nowhere. We are not talking about corporations. We are not talking about rich individuals here. We are talking about not-for-profit organisations, effectively. We are talking about organisations that are in stress, and some of them are teetering on the verge of unviability.

I can tell you, Madam Speaker, that one club board member said to me recently, "Can't you just explain to Mr Rattenbury," that these changes may well bring about the closure of his club. He was going to give me accounting sheets to take in to Mr Rattenbury. I said to him, "The problem is that Mr Rattenbury doesn't see the closure of your club as necessarily a bad thing." Indeed, Mr Rattenbury would quietly celebrate the closure of any club. I think one of his fantasies is the prospect of every club becoming unviable, then they can all close down and he can race off to his progressive base and claim victory. He can say, "I haven't just closed the greyhound industry; I've closed the clubs. All of those people who were doing the right things, all of those sporting and community organisations, they've been punished, but at least

we've forced the problem gamblers to jump in their cars and drive to Queanbeyan. At least we forced that change, and what a great win that is!"

I know Mr Rattenbury is aware of those figures in terms of the decline in gaming revenue in the ACT and the fact that that decline is absolutely mirrored by an increase in Queanbeyan. That is all that is going on here. Most of these clubs are run by volunteer boards who commit their private time to steering a path for their club. The time frames given to these volunteer boards under this bill, to make the most complex decisions around the various proposals for surrender of authorisations, is ludicrous. We are virtually already in December. These boards have until the end of January to meet and discuss these most complex options.

Christmas is just around the corner. The whole town is pretty much going to be on holiday. They have until the end of January to meet and discuss these very complex options, to come up with a decision that will potentially impact their club forever. If the bill itself is unfair, the time frame is also extremely unfair. Astoundingly, the clubs, through their peak body, have written to the minister for regulatory services to request an industry-wide briefing, and blow me down if he has not refused. Is the minister so petrified of the clubs sector that he does not wish to meet them publicly?

I just do not get it. The time frame for the implementation of this policy is far too short, and the incentives offered for authorisation surrender are manifestly inadequate, Madam Speaker. In the government's proposed reforms there are five genuinely small clubs that get a really raw deal, despite what the government would have you believe. These clubs will have to hand back physical, operating machines. The government is poised, therefore, to strip these clubs of important cash-generating assets and will not be paying anything near what these machines would be worth if they were left to market forces.

Worse still, they are asking these clubs to effectively come up with a business statement about how, after taking this cash-generating asset, they are supposed to remain viable. And that is not the worst of it. The ACT Labor-Greens government will let one club in this town not give up a single operating machine. This club will just hand back numbers on pieces of paper. Not a single operating machine will leave that venue. It will be business as usual. It will be just another day for Canberra's largest gaming venue. Which club are we talking about? Blow me down if it is not the Tradies club—the CFMEU Tradies club.

The minister could have helped these small clubs. He could have raised the threshold that currently protects clubs with under 20. He could have raised that threshold to 50, thereby protecting those genuinely small clubs as well. These clubs could then have had a choice about agreeing to the government's terms or they could continue to use their machines to generate income.

What about the Tradies? The minister says he wants clubs to diversify, that he wants clubs to focus on their other operations. Why are we leaving an option for a mega club in this town? Why didn't this minister enforce a maximum number of machines per club? It could be one of the few things that Mr Rattenbury and I agree on in this space. We would have gone with that. How about a maximum number of 300 machines at

any one club—reduce any club’s capacity to a maximum of 300 machines? In that scenario the only pain that would have been borne by the Tradies would have been nine machines; that is it. Not 10, like those at the RUC, or eight at the Canberra Deakin Football Club.

As we look to the future and we see club closures on the horizon—and you can mark my words on that, Madam Speaker; some clubs will close as a consequence of the burden of this bill, combined with others before it—when those clubs do close, what is to stop the creation of a super-mega club as they take up the authorisations? I have no doubt that the machine reduction program is not finished. Seriously, Madam Speaker, do we really want to get to the point where we are down to 3,000 machines in Canberra and 2,000 of them are at just two clubs?

We will not be supporting this bill because it will lead to the closure of some clubs. It will not lead to any great change in harm minimisation outcomes. It will lead to a number of community organisations missing out on funding that was coming to them from their club, and it is just bad government.

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

**Sitting suspended from 12.27 to 2.30 pm.**

### **Questions without notice Canberra Hospital—cleaning**

**MR COE:** My question is to the Minister for Health and Wellbeing. Minister, on 21 November the media reported that two workers employed by the Canberra Hospital’s cleaning contractor had been sacked. Apparently they had fallen asleep during an unpaid break in their duties, having worked for five to six hours straight in the lead-up to that unpaid break. Minister, there are increasing complaints about the standard of cleaning at the Canberra Hospital. There are cases where wards were not cleaned for several days at a time. Doctors have told patients to get out of hospital as soon as they can for fear of contracting infections. Minister, what are you doing to enforce the terms of the contract with the cleaning company?

**MS FITZHARRIS:** I thank Mr Coe for the question. I know that ACT Health and Canberra Health Services ensure that contracts are actively managed. I would request that Mr Coe provide any evidence relating to the issues that he raised in his earlier comments, because a number of those matters have not been brought to my attention.

**MR COE:** Minister, why is it that under your watch you are allowing patients and visitors to the Canberra Hospital to endure dirty and unhygienic conditions and risk contracting infections as a result?

**MS FITZHARRIS:** I am not, and I think we are reaching new levels in seeing the Canberra Liberals continue to denigrate our public health services. The assumptions made in Mr Coe’s question are fairly outrageous. We have seen all year constant political, negative attacks and I would request that the Canberra Liberals think very

carefully about the way that they denigrate our public health services and our public healthcare workforce.

**MRS DUNNE:** Minister, what are you doing to support the two women who appear to have been sacked by the Canberra Hospital's health cleaning contractor?

**MS FITZHARRIS:** I asked Canberra Health Service to look into the matter.

### **Health—abortion**

**MS LE COUTEUR:** My question is also to the health minister, and it is about the commencement of my abortion access legislation. Minister, have you notified the commencement date for this legislation? If not, could you please outline why, and do you have a commencement date in mind?

**MS FITZHARRIS:** I thank Ms Le Couteur for the question. No, I have not yet. I understand there are a couple of implementation issues that are being worked through. I will take the rest of the question on notice.

**MS LE COUTEUR:** What consultation and education work has been done with medical practitioners and pharmacists in the ACT?

**MS FITZHARRIS:** That is exactly the work that is being planned now.

**MR COE:** Minister, to the best of your knowledge, what are the implementation issues that you are working through?

**MS FITZHARRIS:** A number of issues, including, exactly as Ms Le Couteur's question implied, education and awareness-raising amongst GP practices—a number of whom have already expressed an interest in providing this service; some of whom I have met with—and also working with community pharmacies about the dispensing obligations under this new legislation which will allow more Canberra women to access safe abortion care right here in the territory.

### **Health portfolio—workplace culture**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. I refer to a report on staff incident reporting trends for the first quarter of 2018 for mental health, justice health and alcohol and drug services. It shows that there were 122 incidents of mental stress reported in the 12 months to March this year. Why is there such a high level of mental stress in the areas associated with mental health, justice health and drug and alcohol services?

**MR RATTENBURY:** Madam Speaker, I will take responsibility for this question. Obviously, the question Mrs Dunne has asked cuts across areas that both the minister for health and I are responsible for, because in respect of mental health, justice health and alcohol and drug services, I have the first two parts of that and Minister Fitzharris takes responsibility for alcohol and drug services.

Mrs Dunne has cited figures around staff incidences and levels of mental stress. I think that there are a number of reasons for that. One is that these are extremely difficult areas to work in. We have had significant discussion in this place particularly about the challenges of working in a mental health environment. Of course, justice health is dealing with forensic clients both in custody at the AMC and also at community facilities, particularly here in Moore Street in the city. Alcohol and drug services, of course, are dealing with people with significant addiction issues.

These are all stressful environments. Certainly in the mental health space, it has also been openly discussed in this place that we have had some staff shortages and there is no doubt that that has, at times, exacerbated the level of stress for staff.

I think that we have been successful in responding to that through our recruitment efforts through the creation of a retention agreement. We now have more permanent staff on our roster than we did earlier in the year. I think that is a testament to the recruitment efforts. It is creating greater stability, providing less reliance on locums and, I think, overall has been seen very positively in terms of morale amongst the staff.

**MRS DUNNE:** This supplementary question really is for the Minister for Health and Wellbeing. Minister, are there other areas of the hospital that are showing similarly high levels of mental stress?

**MADAM SPEAKER:** I remind you, Mrs Dunne, that the executive can determine who is the most appropriate to answer a question.

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

**MR WALL:** I daresay this will be taken on notice as well: minister, which areas of Canberra's health services have the highest incidence of staff suffering from mental stress?

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

### **Health portfolio—staff safety**

**MS LAWDER:** My question is to the minister for mental health and corrections. I refer to a document titled "Staff incident reporting trends for mental health, justice health, alcohol and drug services for the first quarter of 2018". It shows that there were 75 incidents of staff being hit by moving objects in the 12 months to March 2018. Minister, why were there so many reports of staff being hit by moving objects in the year between April 2017 and March 2018, and what is being done?

**MR RATTENBURY:** Without wanting to be flippant, that is because that is the number of incidents that were reported. I am happy to provide on notice, if Ms Lawder would like, the definition of that; I think that it goes to part of the question.

Staff are encouraged to report these incidents. The Riskman system is there to record these incidents. That enables management teams, right through from on the floor to senior management, to get data on these matters, to identify trends and to seek to remedy them. For example, this data will be used to inform the nurse safety strategy, which I have spoken about before in this place. That data is also informing work that is being done through the ACT Health work health and safety strategic plan being led by the CEO of Canberra Health Services. So that data is very important. I absolutely encourage staff to report incidents so that we do know what is happening in the workplace.

**MS LAWDER:** This may go to a different minister: which areas of ACT Health have the worst or highest number of problems of staff being hit by moving objects? I will repeat part of my earlier question: is there anything being done to reduce the incidence of staff being hit by moving objects?

**MR RATTENBURY:** In terms of the second part of Ms Lawder's question, I just addressed that specifically. We have two particular pieces of work going on: the nurse safety strategy—towards a safer culture project; and the ACT Health work health and safety strategic plan. These things are targeted more broadly at occupational violence, and the specific category that Ms Lawder is asking about will be part of that. They are two specific pieces of work that are happening at the moment.

There is other ongoing work: general training of staff around dealing with occupational violence, and the range of ongoing efforts that go into making the workplace as safe as possible, apart from the two specific pieces of work.

In terms of the first half of Ms Lawder's question, the Minister for Health and Wellbeing and I will take that on notice and provide that information.

**MRS DUNNE:** Minister, does the directorate keep separate statistics for clients or visitors being hit by moving objects?

**MR RATTENBURY:** I believe so. I will take that on notice and check and I am happy to provide that information later.

### **Centenary Hospital for Women and Children—maintenance**

**MRS JONES:** My question is to the Minister for Health and Wellbeing. Minister, I refer to media reports on 18 November about problems in birthing suites at the Centenary Hospital for Women and Children. Extensive work has been done on the 15 delivery suites and bathrooms due to water leaking into the wall cavities.

Minister, why were prospective mothers not told about the problems with the birthing suites so that they could make an informed choice about where they would go to give birth? When was repair work done on the birthing suites at the Centenary Hospital for Women and Children?

**MS FITZHARRIS:** Women are given lots of information about their birthing options at both Centenary hospital and Calvary hospital. That would include, at Centenary hospital, the prospect of being involved in a home birth. Regarding the second part of Mrs Jones's question, which was quite unrelated, these matters were covered at annual reports but I will take the question on notice as to specific dates.

**MRS JONES:** Minister, was the repair work that was done on the birthing suites at the Centenary Hospital for Women and Children done under warranty?

**MS FITZHARRIS:** I believe I answered these questions in the last sitting and we also covered them during annual reports. The answer to that is: that is being investigated and if there is warranty available we will certainly pursue that. But those matters are being looked at right now.

**MRS KIKKERT:** Why has there been such a litany of maintenance issues at the Centenary Hospital for Women and Children, given that it is only six years old?

**MS FITZHARRIS:** I disagree that there has been a litany. It is, of course, a busy place, as are all the hospitals, which contain over 1,000 beds here in the ACT. They are certainly very busy buildings, and, of course, we need to make sure that we maintain them and upgrade them, and build new health facilities, just as we have done this year, particularly with opening a new walk-in centre and the University of Canberra Hospital. Of course, there will be things to fix, and we are getting on and doing exactly that.

### **Economy—performance**

**MS CHEYNE:** My question is to the Chief Minister. Chief Minister, the Australian Bureau of Statistics recently released economic performance data for states and territories for the 2017-18 financial year. What does this data show about the state of our local economy?

**MR BARR:** I thank Ms Cheyne for the question. Once again the ABS data shows what we can see and feel: that our city is growing, going from strength to strength. When it comes to economic growth we are at the top of the class around this nation. In the 2017-18 financial year, Canberra's economy experienced the strongest growth of any state or territory in the country. Our gross state product grew by four per cent. This is well above our 15-year average growth rate of 3.3 per cent. It represents an improvement on last year by a further 0.4 percentage points and reflects the ongoing growth of the territory's economy as we continue to diversify and grasp new economic opportunities.

Professional, scientific and technical services continued to be the stand-out sector of our economy, growing by 11.2 per cent and contributing 0.9 percentage points to our four per cent real GSP growth. Health care grew by 8.5 per cent, consistent with the ramp-up of the NDIS, while administrative and support services and the construction sector grew 19.9 per cent and 5.4 per cent respectively. Public administration showed no growth during the 2017-18 financial year. This diversification of the territory's

economy is pleasing. We should be very proud of these results. It certainly has been a big year for our city, and the government is determined to keep working hard to see this economic growth continue.

**MS CHEYNE:** Chief Minister, what do these strong ABS figures mean for services right across Canberra?

**MR BARR:** As our city grows, the ACT government is ensuring that the benefits of this growth are shared by all Canberrans. A prosperous Canberra must also be an inclusive Canberra, and that is why we continue to invest in our public healthcare system, delivering better health care where and when Canberrans need it. We are hiring more doctors and nurses to help cut emergency department and elective surgery wait times. We are opening more walk-in centres and supporting more GPs to bulk-bill.

It is why we are investing in public education across the territory to make sure that every local school is a great school and it is why we are designing a new public transport system that will make catching the bus or light rail a real option for more Canberrans.

Our ability to make these important investments is because of the strength of our economy. But this does not come about by accident. It is the result of a long-term, considered and deliberate strategy by the government to deliver an inclusive, progressive and connected agenda for our city.

**MS CODY:** Chief Minister, what do the ABS figures mean for people living and working in Canberra?

**MR BARR:** This strong economic growth means more and better job opportunities for Canberrans. Importantly, the latest ABS data shows that in 2017-18, growth in real GSP per capita in the ACT was 1.8 per cent. That was the second highest rate in Australia. That per capita growth is important. It demonstrates that not only is the economy growing because of increased population but also that our productivity is improving and, as is very clear, our GSP per capita is increasing.

Canberra continues to have the lowest unemployment rate of any state or territory in Australia according to the latest data and, at 3.7 per cent, is well below the national average. Youth unemployment over the year to October decreased and is well below the national average. This means that even though more and more people are choosing to make Canberra their home, living standards and employment opportunities continue to improve.

I am very proud of the work that we have undertaken to improve our city and to make a positive difference in the lives of people living here. But these consistently good economic results do not mean that our task is complete. We will continue to work every day to deliver on our vision for this great city into the new year and through the remainder of this parliamentary term.

**Centenary Hospital for Women and Children—maintenance**

**MR WALL:** My question is to the minister for health. Minister, I refer to a letter from nurses and midwives at the Centenary Hospital for Women and Children sent to you in April. This letter said:

Due to the lack of available beds, women and babies are discharged home inappropriately early with feeding, pain or health concerns.

On 19 November 2018, the *Canberra Times* reported that extensive work has had to be done on the 15 delivery suites and bathrooms at the Centenary hospital due to water leaking into the wall cavities. Was the lack of available beds earlier this year related to the extensive work that needed to be done in the 15 delivery suites and bathrooms in the Centenary hospital?

**MS FITZHARRIS:** It certainly had an impact on services. Yes, it did, of course, because at certain points there had to be birthing suites which were unavailable. But as I have indicated previously in extensive debate in this place on these matters, the letter that was received in April has subsequently and very comprehensively been worked through with staff of the Centenary Hospital for Women and Children. I note, of course, that there is a maternity services review underway by this Assembly as well as considerable work being done on a maternity model for the ACT to provide a truly territory-wide maternity service to ACT women.

**MR WALL:** Minister, when were you first briefed about the water issues in the delivery suites and bathrooms; also when were you likewise briefed about a strategy for remediation of the 15 delivery suites and bathrooms at the Centenary hospital?

**MS FITZHARRIS:** I believe that these issues were identified prior to my becoming the minister for health, and I have been briefed on a number of occasions on progress to remediate them.

**MRS JONES:** Minister, if the letter of complaint has been comprehensively addressed, why did a nurse say to me in the Canberra Hospital this year, “They got one of the people who wrote this letter and she’s out, but they didn’t get the other one”?

**MS FITZHARRIS:** I do not believe that to be correct.

**Canberra Hospital—asbestos**

**MR HANSON:** My question is to the minister for health. Minister, is there asbestos in the Canberra Hospital that is currently being, or has recently been, renovated or remediated?

**MS FITZHARRIS:** I am sorry; could Mr Hanson repeat the question?

**MR HANSON:** Sure. Is there asbestos in the Canberra Hospital that is currently being, or recently has been, renovated or remediated?

**MS FITZHARRIS:** I am sorry; did Mr Hanson say “is there” or “is the” asbestos?

**MR HANSON:** Minister, is there asbestos in the Canberra Hospital that is currently being, or has recently been, renovated or remediated?

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

**MR HANSON:** Minister, is there any asbestos anywhere in the hospital that you are aware of?

**MS FITZHARRIS:** I do not believe so but I will take the question on notice.

**MRS DUNNE:** Minister, have you had any briefings about asbestos in the Canberra Hospital or other health facilities run by ACT Health?

**MS FITZHARRIS:** I will check the records but I would note the prevalence of asbestos in buildings of a particular age throughout the ACT. I will assume that yes, there is asbestos in a facility operated by ACT Health or Canberra Health Services. I will also ensure, as I would assume, that it is being properly managed relevant to all handling of asbestos-related materials particularly when it comes to renovations or upgrades.

### **Domestic and family violence—family safety hub**

**MS CODY:** My question is to the Minister for the Prevention of Domestic and Family Violence. Minister, you recently joined with Minister Fitzharris to launch the first family safety hub pilot service, which provides legal advice to pregnant women and new parents. Minister, why did the government decide that we needed this service, and how will it operate?

**MS BERRY:** I thank Ms Cody for her interest in domestic and family violence. It is timely to talk about this issue because, as members will know, the 16 days of activism against gender-based violence started on Sunday. I encourage everyone in this place who cares about ending violence against women to participate in the campaign where they can. Minister Fitzharris and I jointly launched this new pilot program along with our community partners, the Women’s Legal Service and Legal Aid ACT, and our health partners, Calvary Public Hospital, the Centenary Hospital for Women and Children and the Gungahlin Child and Family Centre.

There is a one-in-five risk of women experiencing violence from their partner during and after pregnancy. Of these women, a quarter experience violence for the first time when they are pregnant. These statistics are alarming. They are not acceptable. This is why the family safety hub took this matter up as its first challenge. The program has been co-designed through the work of the family safety hub, by stakeholders. It is designed to help pregnant women and new families who are experiencing or at risk of domestic and family violence to access free legal services.

As a result of the pilot, people who are accessing the health services at either of the hospitals or using the services of the Gungahlin Child and Family Centre will now have access to free, confidential legal services, which we envisage will make it easier for those who may feel that their movements or interactions are being restricted already because of their personal situation. We know that some women may be afraid or unable to access services because they may not want a police or legal response or are just not able to physically get to a service. This legal advice will help them to decide what options they may have according to their personal circumstances.

**MS CODY:** Minister, are there other similar services that are designed specifically for women who are experiencing violence in the ACT?

**MS BERRY:** I thank Ms Cody for the supplementary. There are other critical services in the ACT that provide legal support and advice for women who are experiencing violence, but they are not quite like this one. The concept of a health-justice partnership is not entirely new, and similar models have already been working very successfully in other jurisdictions. This provides us with an existing evidence base and an opportunity for support and engagement as our pilot progresses.

What is important for this pilot is that it is located at the source of the health service; so for those women or families who are looking for some advice but, perhaps due to their own circumstances would not be able to travel to a legal service, this service provides another available option from a trusted source.

In terms of other local services, the women's legal service domestic violence unit is a service that is primarily funded by the commonwealth government through the women's safety package which was announced in 2015. This unit provides women experiencing domestic and family violence with legal representation and holistic wraparound support, including post-crisis support to women to establish and formalise appropriate care arrangements, which limits exposure to the risk of re-victimisation from an ex-partner, as well as obtaining a just and equitable property settlement.

I am cautiously heartened that the federal minister last week announced a continuation of this funding for another period, to 2020. But states and territories are still anxiously awaiting some real new funding for domestic and family violence. This is not an isolated issue that states and territories alone can solve. It is expensive, it is hard and it must be sustained with federal funding.

We eagerly await an announcement of what additional funding the commonwealth will commit to the delivery of the fourth action plan, which is due to roll out in 2019.

**MR PETTERSSON:** Minister, what are the next steps for the remainder of this family safety hub challenge?

**MS BERRY:** In terms of this particular pilot, we will always look for ways we can build future capability in our hospitals and child and family centres to make sure that we are supporting women and families at risk, and that we make support occur earlier. Indicators of the pilot's success will include service usage, referrals and the type of

advice people want in this setting. This will be monitored to understand how well the pilot is operating. Depending on the outcomes, the service will end, be extended or scaled up.

The bulk of the family safety hub efforts remain focused on this trial as we learn what it takes to move from the idea stage of the challenge process to implementation. A second project to reduce the stigma around seeking help is the initial testing phase, with feedback indicating that the idea should shift from a top-down general campaign, to a bottom-up grassroots campaign. Further testing will be taking place in the coming months. Another project around the development of prevention activities—by engaging fathers in pregnancy—is at the research stage with early findings being completed.

Finally, a project looking at how to prevent or minimise reproductive coercion is currently in the research stage. Further research is required and there are a number of emerging elements to his area of focus. I also note that, over the weekend, Marie Stopes Australia released a policy white paper on this issue, which coincides with the 16 days of activism against gender-based violence.

### **ACT Health—catering expenditure**

**MISS C BURCH:** My question is to the Minister for Health and Wellbeing. On 14 August ACT Health paid \$13,600 for ACT Health staff to attend a leadership forum at the National Museum at \$80 a head. ACT Health officials also enjoyed a choice of afternoon tea and morning tea. Why was this level of catering expenditure deemed appropriate and who approved it?

**MS FITZHARRIS:** I do not have the detail of who approved it. I will take it on notice.

**MISS C BURCH:** How does the expenditure per person for lunch, morning tea and afternoon tea compare to the expenditure per hospital patient for breakfast, lunch and dinner?

**MS FITZHARRIS:** I will see if I can answer that question.

**MRS DUNNE:** Minister, are there plans to hold future leadership meetings with a similar level of expenditure to what we saw for the event last August?

**MS FITZHARRIS:** I certainly hope that there continues to be ongoing and deep collaboration and engagement with staff. As any professional would understand, it is vitally important to work and engage with staff. It is particularly important in a period of change to enable staff to come together, particularly those staff who have leadership roles right across delivering our public health care here in the ACT. It is essential that they do this.

I will continue to support ACT Health, Canberra Health Services and, indeed, any organisation in supporting their staff to develop their leadership skills, to develop collaboration skills and to find an opportunity outside the day-to-day business of

running our public healthcare system to collaborate further, to engage with one another, and to develop their leadership skills. This is good practice, recognised good practice, in developing a leadership team that is responsible for the delivery of our public health services to the ACT, public health services that this community highly values.

### **Canberra Hospital—HEPA filter maintenance**

**MR PARTON:** My question is to the Minister for Health and Wellbeing. It refers to the draft accreditation report that noted:

At the time of survey, the most recent HEPA filter maintenance report—

and for the benefit of the Assembly, HEPA stands for high efficiency particulate air—

was reviewed and it was noted that in comparison to a 2016 report, not all Canberra Hospital HEPA filters in the theatre complex were listed as tested. The anomaly was reported to the health service and despite a 48 hour search no record or explanation could be given for the missing HEPA filters on the recent test record.

It was reported in the media on 19 November that theatre 14 was closed after mould was found in one of the HEPA filters. Have all the problems with the HEPA filters in the operating theatre complex been fixed?

**MS FITZHARRIS:** Matters in the draft accreditation report, again, are the subject of considerable debate. I remind members that subsequent to the first draft accreditation report, ACT Health received full and complete accreditation, including on matters related to HEPA filters and subsequently in July—

**Mrs Dunne:** On a point of order, Madam Speaker, the question, while mentioning the survey, was about the HEPA filters in the theatre complex, and what the survey pointed out was that not all the HEPA filters in the theatre complex had been tested. Mr Parton's question was directly: have all issues with HEPA filters been fixed?

The minister, according to the standing orders, needs to be directly relevant to the question.

**MADAM SPEAKER:** Whilst I notice that I managed not to stop the clock, I think the minister was less than 30 seconds into the answer. Minister you have time to complete your answer and provide that information.

**MS FITZHARRIS:** Thank you, Madam Speaker. I believe it was about 20 seconds. What I would say is that I believe this was also covered in annual reports hearings last week, as there is an ongoing and required schedule of monitoring HEPA filters. That will continue. If there are issues identified in the HEPA filters they will be fixed with priority to make sure that clinical services can continue.

**MR PARTON:** Minister, has theatre 14 had any problems since June with its HEPA filters?

**MS FITZHARRIS:** Not that I am aware of.

**MRS DUNNE:** Minister, was theatre 14 one of the theatres that did not have a recorded test result in the accreditation survey? Have the missing HEPA filter records been found?

**MS FITZHARRIS:** I am not sure, in answer to the first question; and in relation to the second question, given that the accrediting team and the draft accreditation report indicated that that was something that they felt was not met, to the extent that they then gave Canberra Hospital and ACT Health full accreditation for three years I believe indicates that all the issues they raised had been satisfied.

### **Health—hydrotherapy**

**MS LEE:** My question is to the Minister for Health and Wellbeing. On 21 June 2018, during estimates, you stated that “the Stromlo pool that the government is building will have a hydrotherapy pool in it”. The Minister for Sport and Recreation has since advised Mrs Dunne, in a letter dated 26 October 2018, that “the Stromlo leisure centre does not include a stand-alone hydrotherapy pool but will include the multi-purpose program pool that will cater for some types of aquatic therapy”. Minister, why did you advise the estimates committee that the Stromlo leisure centre would have a hydrotherapy pool in it?

**MS FITZHARRIS:** These matters were covered in annual reports hearings. I indicated that I had clarified that advice that hydrotherapy services would be available. There have since been, as was covered in the annual reports hearings, a number of different views around the temperature of the water. But it has been made clear now that there will not be a hydrotherapy pool in the definition of a pool that I believe, from memory, is heated to 33 degrees. That will not be provided at Stromlo.

**MS LEE:** Minister, what action will you take to ensure that all people living in the south of Canberra will have access to a hydrotherapy pool?

**MS FITZHARRIS:** We are working, again as was discussed at annual reports hearings, with a range of different organisations and individuals on providing access to warm water pools, to hydrotherapy pools and to hydrotherapy services wherever people live in the ACT.

**MRS DUNNE:** Minister, will you review the statement you made in estimates on 21 June, and will you correct the record and apologise to the Assembly and the committee for misleading the Assembly and the community in your statement of 21 June?

**MADAM SPEAKER:** Mrs Dunne, I caution you that the language ‘misleading’ needs to be in a substantive motion.

**MS FITZHARRIS:** I believe that the advice I gave in estimates was based on advice I had received. I subsequently clarified with the annual report committee last week

that there was a difference of opinion on the definition. I made clear then, as I have made clear now and as Minister Berry has made clear, that there will not be a pool heated to a certain temperature at Stromlo park. But there will be a range of other hydrotherapy services, warm water pools and hydrotherapy pool services available to people right across the ACT.

**Mrs Dunne:** I think that the Chief Minister might have misled people on Chief Minister's talkback.

**MADAM SPEAKER:** Mrs Dunne, that is enough from you.

### **Gungahlin—nurse-led walk-in centre**

**MR PETTERSSON:** My question is also to the Minister for Health and Wellbeing. Minister, the Gungahlin nurse-led walk-in centre has been open for over two months now. How is the centre helping to address the health needs of the Gungahlin community?

**MS FITZHARRIS:** I thank Mr Pettersson for the question and also for joining us at the opening of the fantastic Gungahlin walk-in centre. As we know, Gungahlin is full of busy families and working people who want good access to public health care where and when they need it. It is a key priority of this Labor government to expand access to affordable health care right across the whole of our growing city.

Gungahlin is one of the fastest growing areas of Canberra. The Gungahlin walk-in centre demonstrates significant investment in Gungahlin's healthcare needs now and into the future. The Gungahlin walk-in centre provides free treatment of minor injuries and illness for anyone over two years of age. Like our other walk-in centres in Tuggeranong and Belconnen, it is run by a team of highly skilled nurse practitioners and advanced practice nurses, and it is open from 7.30 am to 10 pm every day of the year.

More children are attending Gungahlin compared to our other walk-in centres, which reflects the number of families living in Gungahlin. The walk-in centre is also quite busy in the evenings, which means that we think Gungahlin residents are getting treatment at a time that suits them. Since it opened in early September, 3,674 people have used this service, which is an average of 48 people per day.

We believe that this is servicing a previously unmet need, as we have not seen a corresponding drop in the presentations at the other walk-in centres in Belconnen and Tuggeranong. This is a clear signal of the value that walk-in centres are bringing to the community. They are popular and they are effective.

The most common presentations to the Gungahlin walk-in centre include colds, sore throats, musculoskeletal problems, wounds and lacerations, skin conditions, and ear, eye and gastrointestinal conditions. There have been no significant differences in the top presentations between the three walk-in centres since the Gungahlin walk-in centre has been opened.

**MR PETTERSSON:** Minister, how do walk-in centres work with other health services across the territory?

**MS FITZHARRIS:** Walk-in centres play an important role in Canberra's primary healthcare network. They play a valuable role particularly after hours and for those who want free, local, easily accessible health care.

Nurse practitioners and advanced practice nurses at walk-in centres regularly interact with other health services. Where required, they refer patients to the emergency department or to a local GP, and will provide reports to the patient's GP where the patient has consented to this.

Walk-in centres work closely with a range of services across Canberra to make sure that we provide easy pathways to effective health treatments. For example, walk-in centres have worked successfully with the fracture clinic, the ophthalmology clinic and both X-ray departments in ACT public hospitals. The Gungahlin walk-in centre has also been working hard, since opening and before, to develop relationships with GPs in the region.

The Canberra Sexual Health Centre recently piloted a successful program for sexual health screening in the evenings and will look for opportunities to provide more support with sexual health services and contact tracing. They are also currently developing a dental pain pathway so that patients can be assessed and provided with interim treatment.

An experienced and highly skilled physiotherapist is commencing a trial in the Belconnen walk-in centre this week to treat patients with musculoskeletal injuries. If this trial is successful, it may be considered for further rollout across all of our walk-in centres.

**MS ORR:** Minister, how have nurse-led walk-in centres been received by the community?

**MS FITZHARRIS:** We have had a very positive response to the walk-in centres and regularly receive compliments from the community on both the availability of the walk-in centres and also the care and professionalism of the staff. I certainly know that for Gungahlin the 3,674 people who have accessed the services in just two months are a demonstration of just how well received they are by our community.

Our research shows that 86 per cent of Canberrans were satisfied with the service they received at our walk-in centres. For example, in just the past week, a parent has written on social media: "Outstanding patient care! Can't speak highly enough of our experience with my son." Another said: "... we've used this service and cannot fault it. Staff are great with a caring attitude ... Don't clog up the ED's and opt for this service first."

Madam Speaker, contrast this with the attitude of those opposite towards walk-in centres. The opposition have labelled them "a criminal waste of taxpayers' money"

and they have never supported them. It just shows how out of touch they are when it comes to the healthcare needs of Canberrans. Canberrans cannot trust that the Canberra Liberals would keep these centres open. It is time for the Liberals to admit that they were wrong and to support our walk-in centres that have been so clearly embraced by our community.

### **Canberra Hospital—radiology department**

**MRS KIKKERT:** My question is to the Minister for Health and Wellbeing. In November 2017 and February 2018 a number of doctors in the Canberra Hospital radiology department made public interest disclosures about their department. The first disclosure was made on 3 November last year. ACT Health decided in October 2018 that four of the complaints might amount to disclosable conduct and would be investigated further. It is claimed that one of the public interest disclosures was incorrectly classified as spam and that was why the Deputy Director-General of ACT Health did not see it. Why did it take 11 months to acknowledge that four of the complaints in the public interest disclosures amounted to disclosable conduct?

**MS FITZHARRIS:** As members opposite are aware, while these matters are the subject of some media reporting and obviously questioning by the opposition, that does not mean that I am able to divulge details of those. In fact, as members will also be aware, a number of those matters would not be brought to my attention. So I cannot answer those questions.

**MRS KIKKERT:** Minister, why did it take so long for ACT Health to recognise the seriousness of the first public interest disclosures lodged by doctors in November last year?

**MS FITZHARRIS:** I do not believe that it did. They have subsequently been the subject of extensive investigation.

**MRS DUNNE:** Minister, what processes have ACT Health and the Canberra Hospital put in place to ensure that such important messages are not lost and are given more timely consideration in the future?

**MS FITZHARRIS:** The necessary processes.

### **Canberra Hospital—radiology department**

**MR MILLIGAN:** My question is to the minister for health. I refer to claims in the media on 13 September that there is a backlog in processing CT scans for outpatients at the Canberra Hospital due to a shortage of radiologists. Is there still a backlog in processing CT scans for Canberra Hospital outpatient clinics and, if so, why?

**MS FITZHARRIS:** I do not believe so, no.

**MR MILLIGAN:** Minister, what impact did the backlog in processing CT scans for outpatients at the Canberra Hospital have on clinical care?

**MS FITZHARRIS:** I do not believe that there was any, but I will take the question on notice.

**MRS DUNNE:** Minister, you say that there is no longer a backlog. How long did it take to clear the backlog, and what processes have been put in place to ensure that a backlog does not arise again?

**MS FITZHARRIS:** There is high demand for diagnostic services. I will take Mrs Dunne's question on notice.

### **Bushfires—preparedness**

**MS ORR:** My question is to the police and emergency services minister. What update can the minister provide about the upcoming ACT bushfire season?

**MR GENTLEMAN:** I thank Ms Orr for her interest in the safety of all Canberrans as the season gets closer. Madam Speaker, as you may be aware, the ACT is facing an increased risk from severe bushfire weather this coming summer in addition to increased risk from severe heatwaves and windstorms.

The predicted weather and ongoing drought across much of eastern Australia will continue to contribute to dry fuels, strong winds and predicted severe heatwaves. The ACT, along with surrounding regions of New South Wales, will face difficult conditions this summer.

After consulting with the ACT Bushfire Council at their meeting on 1 August this year, and discussing the risks presented to the ACT and the seasonal outlook, the Commissioner of the ACT Emergency Services Agency declared that the bushfire season for 2018-19 would commence early, on 1 September 2018.

The recent Pierces Creek fire was a strong reminder of the risks that Canberra faces as the bush capital. I note the warning of the ESA commissioner that, with the influence of climate change, our fire seasons are getting longer. In the past, incidents such as the Pierces Creek fire, which was in early November, would not normally have been seen until after the Christmas period. This reinforces the importance of the public messages that the ESA has been issuing to the community: "Canberra be bushfire ready."

Let me assure members that the ACT government, including the ESA, is better prepared for a bushfire emergency than ever before. The ACT's emergency plans and policies, warning systems and governance arrangements lead emergency management practice on a national level. The ACT community can be confident that they continue to live in one of the safest cities in the world, with well-funded, well-resourced and well-governed emergency services.

**MS ORR:** How has the government prepared and what should Canberrans be doing to prepare for the bushfire season?

**MR GENTLEMAN:** The ACT's emergency framework is viewed as best practice in emergency management. The ESA commissioner must prepare a strategic bushfire management plan setting out the strategies through which the government and the community will reduce the risks of bushfire in the ACT.

Hazard reduction burns are one of many important activities undertaken and since the 2003 fires a comprehensive program of hazard reduction burns has been implemented across the ACT by the parks and conservation service. Other mitigation activities undertaken by PCS and other agencies include slashing, grazing, mowing, physical removal of vegetation and trail upgrades and maintenance. Overall, 97 per cent of the activities in the bushfire operational plan were completed for the 2017-18 year, and this year's plan is being implemented.

While the ESA and government directorates are well prepared for the risks that the ACT may face, preparation for bushfire, storms and heatwaves is everybody's responsibility. The ESA conducts a range of community education preparedness activities under the banner of the Canberra be ready campaign, providing practical ways in which every Canberra resident can prepare themselves, their families and their homes for the dangers of an Australian summer.

As we approach what is anticipated to be a hazardous bushfire season I would encourage the community to visit the ESA website and download the bushfire survival plan. This will take you through the four simple steps to be ready for a bushfire. They are: discuss what to do if a bushfire threatens your home; prepare your home and get ready for the bushfire season; know the bushfire level alerts; and keep all the bushfire information, numbers, websites and smartphone apps at hand.

**MS CHEYNE:** Minister, what contribution do our emergency services personnel and volunteers make in preparing and keeping our city safe from bushfires?

**MR GENTLEMAN:** I thank Ms Cheyne for her interest in our volunteers. Our city is kept safe because of the dedication and hard work of our front-line personnel, both paid staff and volunteers. This comprises the ESA team made up of about 450 ACT Rural Fire Service members, over 300 ACT Fire & Rescue firefighters, 13 ACT Fire & Rescue staff, and nearly 200 firefighters in the parks and conservation service.

In support of our crews, we have fire weather analysts, media liaison officers, mapping specialists, communications specialists and a wide logistical and support capability, which all help to support our emergency women and men in the field to protect our community. As we contemplate our summer break, these individuals will continue working hard to make our city safer and, of course, respond to any emergencies that may arise.

I am proud of the support and services that this government has delivered to help our emergency services personnel. In terms of equipment, the ACT has access to heavy and medium tankers, light units, a bulk water carrier, urban pumpers, helicopters, and heavy plant and support vehicles. The ESA and PCS also have contracts in place for additional resources.

On my behalf and that of the government and all Canberrans, I want to wish all our front-line personnel, including our ACTAS staff and ACT Policing, best wishes for this festive season and I hope that it is a quiet and uneventful period.

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

## Paper

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (3.22): Madam Speaker, I present the following paper:

ACT Multicultural Framework 2015-2020—First Action Plan—Summary of actions 2015-2018.

The document is an attachment to the ministerial statement I provided this morning.

## Papers

**Madam Speaker** presented the following papers:

Ombudsman Act, pursuant to subsection 21(2)—Ombudsman complaint statistics—Quarterly report for the period 1 July to 30 September 2018, dated 31 October 2018.

Freedom of Information Act, pursuant to section 67—Report on the operation of the *Freedom of Information Act 2016*—1 January to 30 June 2018, dated 21 November 2018.

Report of the Independent Arbiter—Icon Water Contracts with ActewAGL—Disputed Claim of Privilege—

Report, dated 2 November 2018, prepared by The Hon Richard Refshauge SC.

Supplementary report, dated 8 September 2018.

Inspector of Correctional Services ACT, pursuant to subsection 30(2)—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Assault of a detainee at the Alexander Maconochie Centre on 23 May 2018, dated 22 October 2018.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Report No 11/2018—2017-18 Financial Audits Overview, dated 21 November 2018.

Standing order 191—Amendments to:

Crimes Legislation Amendment Bill 2018, dated 6 November 2018.

Government Agencies (Land Acquisition Reporting) Bill 2018, dated 8 November 2018.

Government Procurement (Secure Local Jobs) Amendment Bill 2018, dated 6 November 2018.

**Mr Barr** presented the following papers:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition (Permanent Exemption for Emissions-controlled Products) Endorsement 2018 (No 1)—Notifiable Instrument NI2018-627 (Special Gazette No S4, Monday, dated 13 November 2018.

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

ACT Civil and Administrative Tribunal—Determination 12 of 2018, dated November 2018.

ACT Magistrates Court Judicial Positions—Determination 11 of 2018, dated November 2018.

ACT Supreme Court Judicial Positions—Determination 10 of 2018, dated November 2018.

Director of Public Prosecutions—Determination 14 of 2018, dated November 2018.

Part-time Public Office Holders—Determination 15 of 2018, dated November 2018.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 13 of 2018, dated November 2018.

## **Financial Management Act—consolidated financial report Paper and statement by minister**

**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) (3.25): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 September 2018.

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

Leave granted.

**MR BARR:** I am delighted to present to the Assembly the September quarter 2018 consolidated financial report for the territory. As members are aware, this report is required under section 26 of the Financial Management Act 1996.

Madam Speaker, the September quarter headline net operating balance for the general government sector was a surplus of \$491 million. This result was \$76.2 million higher than the year to date budget of \$414.8 million. This improvement mainly reflects the higher than estimated revenue due to the timing of land settlements for Denman Prospect stage 2 and lower than estimated expenditure associated with the timing of project and grant expenditure.

I can advise members that net debt for the general government sector as at 30 September 2018 was \$1,198.6 billion, which is \$103.6 million lower than the June 2018 result of \$1,302.2 million.

Net financial liabilities decreased, compared to 30 June 2018, by \$2,792.7 million, largely reflecting the change in the defined benefit superannuation liability estimate for 30 September 2018, based on a discount rate of five per cent compared to 3.11 per cent as at 30 June 2018. Madam Speaker, I commend the September quarter headline net operating balance surplus of \$491 million to the Assembly.

## **Financial Management Act—2018-19 capital works program— progress report Paper and statement by minister**

**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) (3.28): For the information of members, I present the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2018-19 Capital Works Program—Progress report—Year-to-date 30 September 2018.

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

Leave granted.

**MR BARR:** I present to the Assembly the September quarter 2018-19 capital works progress report. The 2018-19 budget committed to a capital works program with \$773 million available for expenditure. The government has successfully delivered \$146 million worth of capital investment: \$125 million on infrastructure development and \$21 million on information communications technology and plant and equipment. This included \$135 million spent on works in progress and \$11 million spent on new works.

The report being tabled today outlines projects that reached physical completion in the September quarter. For those in Tuggeranong, the Ashley Drive duplication, Ellerston Avenue to Johnson Drive, is operational while the contractor is rectifying any defects and landscaping areas. Ashley Drive duplication stage 2 is now operational while minor defects are being rectified. The Federal Highway and Old Well Station Road intersection upgrade is complete. The replacement of polyethylene aluminium composite panels at the Centenary Hospital for Women and Children, something that has been the subject of some debate in this place, was physically completed in the September quarter. I commend the full report to the Assembly.

## **Supplementary answers to questions without notice Health—hydrotherapy Canberra Hospital—asbestos**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport

and Minister for Vocational Education and Skills) (3.30), by leave: With regard to questions from you, Madam Assistant Speaker Lee, and others seeking clarification on the hydrotherapy pool, I did make that clarification, through the Speaker, in October, in the last sitting period. The Speaker tabled the letter that I sent to her, so that clarification has been made.

Regarding asbestos, I was advised about asbestos removal works in July 2017 in ward 11A, which was being refurbished at the time. There is asbestos known to be in the Canberra Hospital campus, and this has been appropriately managed, in line with relevant workplace safety regulations and proceedings, codes of practice, and guidelines. Asbestos removal is a common activity in major refurbishment works.

## Papers

**Ms Fitzharris** presented the following papers:

Health Practitioner Regulation National Law—Health Practitioner Regulation National Law Regulation 2018 (No 166/2018), dated 12 October 2018, together with a general outline.

National Health Practitioner Ombudsman and Privacy Commissioner—Annual report 2017-18.

Australian Health Practitioner Regulation Agency and the National Boards, reporting on the National Registration and Accreditation Scheme—Annual Report 2017/18

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—Transport Canberra and City Services Directorate—

2016-2017—Corrigendum, dated November 2018.

2017-2018—Corrigendum, dated November 2018.

## Planning—call-in powers 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) (3.32): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 161(2)—Statement by Minister—Exercise of call-in powers—Development applications Nos DA201732485 and DI201732500—ACT Second Electricity Supply Project, dated 8 November 2018.

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

Leave granted.

**MR GENTLEMAN:** I am pleased to table this statement detailing my decision to give development approval to the ACT's second electricity supply project. This is a very significant infrastructure project for the territory and brings a benefit to each and every resident in ensuring a stable and secure electricity supply.

As required by section 161 of the Planning and Development Act 2007, I have tabled a statement that provides a description of the proposed development, details of the land where the development is proposed to take place, details of my decisions on the applications, the reasons for my decisions, and a summary of the significant community consultation that has occurred.

On 22 and 23 February 2018, WSP Australia formally lodged development applications for a proposed second electricity supply on behalf of TransGrid and Evoenergy. These utilities are required to construct a second electricity supply for the ACT under the ACT's electricity transmission supply code 2016. The code requires a second connection, with a separate substation, to ensure that the ACT has an ongoing and secure electricity supply. This requirement was put into place to protect against interruptions to the electricity network through matters such as severe storm events, bushfires or foul play.

The proposed works will include the construction of a new substation and associated transmission line works to connect to the existing electrical infrastructure and to create a geographically separate electricity supply. The proposed works are located across various blocks immediately to the west and south-west of the suburbs of Holt and Macgregor and consist of rural land largely used for grazing purposes. The works are in proximity to future residential estates that are currently under construction. However, the works are predominantly located within existing easements and parallel to existing infrastructure.

On 18 October this year, I directed the planning and land authority to refer to me the two development applications for the project: DA201732485 and DI201732500. On 8 November 2018 I approved the applications, subject to conditions under section 162 of the Planning and Development Act 2007, utilising my ministerial call-in powers. I am providing copies of the notices of decision for each development application as attachments to the statement I am tabling today.

In deciding the applications, I gave careful consideration to the requirements of the Territory Plan, the advice from expert referral entities, and the outcome of community consultation. I note that the proposal has been through significant community consultation processes, both for the environmental impact statement and for the development applications.

I have attached a summary of the community consultation undertaken for the EIS to the statement of decision that I am tabling today. Also, representations that were received by the Planning and Land Authority during the public notification period for the development applications were given thorough consideration. Public notification for both development applications occurred between 5 March and 26 April 2018.

The notices of decision that I am tabling today provide a summary of the key issues raised during public notification and how I have considered these issues. In relation to my decision to approve the development applications, I have conditioned the approvals to address the requirements of entities and current legislation, among other things, such as requiring a construction and environmental management plan, the protection of land with environmental and heritage value, continual communication with surrounding landholders, and independent review and compliance.

I have utilised my call-in powers in this instance as the construction of a second electricity supply will provide a substantial public benefit to the Canberra community by ensuring the energy security of the territory and protecting against future disruptions to the network. This will have benefits for all members of the community and ensure that critical services, such as hospitals and emergency response, and government agencies have a reliable electricity supply. Energy security is a major policy issue facing governments around the world. I am happy to be able to give development approval to such an important project for the future of the territory.

In conclusion, I am pleased to have been able to make this important decision for the second electricity supply project. I table a statement outlining the details of my decision, including a copy of each notice of decision and a summary of the community consultation undertaken as part of the EIS process.

## Papers

**Mr Gentleman** presented the following paper:

Apollo 11 Mission—50th Anniversary—Response to the resolution of the Assembly of 11 April 2018.

**Mr Ramsay** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual report 2017-2018—Public Trustee and Guardian—Corrigendum, dated 31 October 2018.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—Australian Criminal Intelligence Commission—Controlled Operations—Annual report 2017/18, dated 8 August 2018.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—Australian Criminal Intelligence Commission—Surveillance Devices—Annual report 2017/18, dated 8 August 2018.

Energy Efficiency Rating Scheme—Proposed review—Response to the resolution of the Assembly of 1 August 2018.

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Report by the ACT Gambling and Racing Commission—2017-18, dated 30 October 2018.

**Mr Rattenbury** presented the following papers:

Heavy Vehicle National Law as applied by the law of States and Territories—

Heavy Vehicle (Registration) National Regulation (2018 No 298), together with an explanatory statement.

Heavy Vehicle National Legislation Amendment Regulation 2018 (2018 No 299), together with an explanatory statement.

**Mr Gentleman** presented the following papers:

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

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2018 (No 2)—Disallowable Instrument DI2018-267 (LR, 1 November 2018).

Civil Law (Wrongs) Act—Civil Law (Wrongs) The Institute of Public Accountants Professional Standards Scheme 2018—Disallowable Instrument DI2018-268 (LR, 5 November 2018).

Food Act—Food (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-261 (LR, 25 October 2018).

Government Procurement Act—

Government Procurement (Secure Local Jobs Model Contract Terms) Determination 2018, including a regulatory impact statement—Disallowable Instrument DI2018-282 (LR, 22 November 2018).

Government Procurement (Secure Local Jobs) Amendment Regulation 2018 (No 1), including a regulatory impact statement—Subordinate Law SL2018-22 (LR, 22 November 2018).

Government Procurement (Secure Local Jobs) Code 2018, including a regulatory impact statement—Disallowable Instrument DI2018-283 (LR, 22 November 2018).

Housing Assistance Act—

Housing Assistance Rental Bond Program 2018 (No 1)—Disallowable Instrument DI2018-270 (LR, 15 November 2018).

Safer Families Assistance Program 2018 (No 1)—Disallowable Instrument DI2018-271 (LR, 15 November 2018).

Major Events Act—Major Events (Domain Cricket Test Match) Declaration 2018 (No 1)—Disallowable Instrument DI2018-280 (LR, 22 November 2018).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-262 (LR, 25 October 2018).

Public Health Act—Public Health (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-260 (LR, 25 October 2018).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2018 (No 3)—Disallowable Instrument DI2018-263 (LR, 25 October 2018).

Radiation Protection Act—Radiation Protection (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-259 (LR, 25 October 2018).

Territory Records Act—

Territory Records (Advisory Council) Appointment 2018 (No 1)—Disallowable Instrument DI2018-264 (LR, 29 October 2018).

Territory Records (Advisory Council) Appointment 2018 (No 2)—Disallowable Instrument DI2018-265 (LR, 29 October 2018).

University of Canberra Act—

University of Canberra Council Appointment 2018 (No 1)—Disallowable Instrument DI2018-272 (LR, 15 November 2018).

University of Canberra Council Appointment 2018 (No 2)—Disallowable Instrument DI2018-273 (LR, 15 November 2018).

University of Canberra Council Appointment 2018 (No 3)—Disallowable Instrument DI2018-274 (LR, 15 November 2018).

Victims of Crime (Financial Assistance) Act—Victims of Crime (Financial Assistance) Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-20 (LR, 30 October 2018).

## **Gaming Legislation Amendment Bill 2018**

Debate resumed.

**MR RATTENBURY** (Kurrajong) (3.39): The Greens are pleased to support this bill which legislates for some key items in the parliamentary agreement, including the pathway to get down to 4,000 gaming machines in the ACT by 2020. This bill is a reflection of the Greens' longstanding commitment to reduce harm from poker machines and the shift we have seen in this Assembly to take a public health approach to gambling policy.

The bill provides a range of other significant changes, including amendments to the community contributions scheme in response to the Auditor-General's report and the recent consultation process. The bill will improve harm minimisation by increasing penalties for a breach of the code of conduct and allow for the use of undertakings under the Gaming Machine Act 2004 as an enforcement measure. The bill also includes an important symbolic change, with references to "problem gambling" changed to reflect a harm reduction approach, taking the shame and stigma away from those who have experienced gambling harm.

For a long time the Greens have said that a business model that relies on revenue from problem gambling is a broken business model. We want to support clubs and our community to move away from poker machines and start taking problem gambling seriously, and this package is a crucial step in that process. Since the inclusion in the parliamentary agreement of a commitment to reduce the number of poker machines in the ACT to 4,000 the government has been engaging with clubs, community groups and people with lived experience to develop a pathway to achieve that goal.

This is probably a moment to recall that the first set of harm minimisation round tables started back in July 2017, and an options paper with a range of different models was released in August 2017. In April this year the government engaged Mr Neville Stevens AO to help develop the final model which would provide a pathway to 4,000 machines and provide enough support for clubs to manage that process. Mr Stevens's final report and the government's response to it were tabled in the Assembly in August this year.

The Greens recognise that this is a significant change for the clubs industry and that the circumstances of each club will be different. That is why Mr Stevens's engagement has been so critical to this process, to provide an individualised approach with each club, rather than assuming that one size fits all would be an effective strategy.

The passage of this legislation today will give effect to some key elements of the authorisation surrender process. However, Mr Stevens has been working with clubs since August to identify how they can best take advantage of the incentives on offer through the voluntary surrender process. This legislation puts in place a scheme that offers a range of monetary and offset incentives to encourage voluntary surrender but also sets a deadline for compulsory surrender if required. While this is a significant time of change for the clubs industry, these are important reforms for the ACT community. Gambling harm is a real and serious issue and the saturation of machines across Canberra is resulting in more harm for many people in our community.

The latest research shows the ACT having the second highest gaming machine density in Australia, a density of 14.8 machines per 1,000 adults. We have 2½ times the density of Victoria, twice that of Queensland, and, other than New South Wales, which has 15.5 machines per 1,000 adults, we have a higher density than all the other states and territories. In 2015-16 real expenditure from poker machine gambling in the ACT was \$168.5 million, accounting for 73 per cent of all gambling expenditure in the territory. Estimates suggest there were around 62,300 poker machine users at that time, with each spending an average \$2,667 per annum. This is an amount that some people cannot afford to lose—and, of course, that being an average, many are losing more than that.

Based on prevalence data, about 17,000 people or 5.4 per cent of adults in the ACT were directly affected by gambling harm in the territory in 2015-16. About 4,700 of these people experienced harms at moderate or high levels. And while internet gambling does represent an emerging issue of concern for gambling harm, experts continue to say that the major priority for gambling harm prevention must be to remain focused on electronic gaming machines.

Over the past few years we have had a very public and important conversation with the ACT community, and it is clear that they believe we can no longer turn a blind eye to the harm that pokies are causing here in Canberra. A recent report published by ACTCOSS and the Canberra Gambling Reform Alliance called *Stories of Chance* highlighted the human impacts of the figures I have just quoted—and they are

figures—and it is hard to put a human face to them. That is, I think, the strength and power of this report. To put it simply, we have too many machines doing too much damage to too many people with too few limits.

Reducing the number of machines in the ACT is one significant step we can take to start to turn this around. Of course, it is not the only way to reduce harm, and I have spoken before in this place about harm minimisation measures such as \$1 bets and mandatory precommitment that are also important parts of a suite of harm reduction approaches. These are changes the Greens will continue to advocate for, but that is not to downplay the potential impact of this legislation and the measures that we are taking today, which will have an impact when it comes to reducing gambling harm.

I also want to note that, while the pathway to 4,000 machines outlines a need for all clubs to reduce their poker machine numbers and provides an incentive for those that wish to go pokies free, the majority of machines will come from the biggest clubs. This is part of an evidence-based approach, as research has clearly established that large venues are associated with relatively high expenditure and greater levels of harm. The average number of poker machines across ACT venues is 93, which is well above that for most other states and territories. The average number of machines in New South Wales venues is 36—broken down, it is 62 in clubs and 15 in hotels—in Victoria it is 53 and in Queensland it is 38. This is not an area where we want to be leading the nation.

What we also know is that problems derived from gambling are often viewed as a source of significant stigma. Gamblers blame their lack of self-control and see themselves as failures. Those affected by a loved one's gambling are often deeply embarrassed as well as financially imperilled. This makes it difficult for people to articulate their experiences.

I want to be clear that the Greens' view is that this is an issue of addiction, and it should be treated as such. Blaming the individual is damaging to them and it does not prevent further harm to others in the future. We are lucky in the ACT that a number of people with lived experience have chosen to come forward and tell their stories to help the community fully understand how this issue can affect people. As Mitch, in the *Stories of Chance* report, said:

The long-term damage problem gambling can cause and the impact it can have on an individual, their family and friends is profound. It can ruin your life and be the start of other problems like substance abuse, violence, crime or even homelessness.

Fewer poker machines in Canberra is one way we can start to reduce this kind of harm, and I am proud that the Greens have led the debate on this important issue.

This bill is also significant for the changes it proposes to the community contributions scheme. Our clubs do a great job of supporting many community organisations, in particular local sport, but it was clear from the Auditor-General's report that the scheme needed to be reviewed and tightened up to allow us to better understand the exact nature of the expenditure and the community contribution claimed.

The reforms proposed through this bill are modest, with a small increase in funds for gambling harm reduction and a similarly small amount to go to the Chief Minister's charitable fund to broaden the reach of the scheme to more community groups. The reforms also propose clearer criteria for claiming contributions. I understand that some of these details are still being worked out through the regulations, which are still open for public consultation.

I know there are some in the community who believe that that the central focus of the scheme should be on gambling harm minimisation, in recognition of where its funding comes from. As Mitch in *Stories of Chance* noted:

When the clubs talk about their contributions to the community that means nothing to a gambling addict. If you've lost thousands and thousands of dollars, what does that mean to you?

I think Mitch asks an important question and it is one I have reflected on in discussions with people who say to me, "But my child gets a subsidised football jumper." That is welcome for that individual, but one cannot simply accept that and the many other things that are doled out without reflecting on the impact on the other side of the equation.

At the same time, I do acknowledge that the contributions from the scheme are significant and they are of great benefit to many people across our community. These changes seek to find a balance that continues to support sport and cultural activities, community activities and charity activities whilst also not accepting those funds at the expense of gambling harm to others. Finding that balance is difficult, and I think this needs to be an area we continue to look at, particularly as I hope we start to see club revenue sources diversify from a reliance on poker machines.

I also want to speak briefly on the changes in this bill to improve enforcement and transparency, including higher financial penalties as disciplinary action and the ability to enter into enforceable undertakings where breaches of the code of conduct are identified. If we are genuine about taking gambling harm seriously then there need to be serious penalties for those who breach the rules.

In particular I want to acknowledge Professor Laurie Brown, whose advocacy through this process has created this momentum for change. We often hear about the need for personal responsibility on these issues but this fails to acknowledge the addictive nature of gambling products. Personal responsibility has to be matched by the responsibility of industry to be open about the intentional addictive design of their machines and to respond by providing adequate protections for the people playing them.

We know that harms from gambling affect more than simply the gambler. Research estimates that each high-risk gambler affects six others on average, each moderate-risk gambler three others, and each low-risk gambler one other person. On that basis we can estimate that over 47,000 people in the ACT are affected by gambling harm at any one time. This is equivalent to 11.8 per cent of the total ACT population,

essentially one in eight people. This is a real and significant issue and the vast majority of this harm comes from poker machines. Whilst we still have some way to go, this legislation is an important step towards reducing the saturation of poker machines across the ACT and minimising the harm that comes from them.

I do encourage all clubs to continue to engage with Mr Stevens in the lead-up to the voluntary and compulsory surrender deadlines so that this process can be as smooth as possible. And I will take this opportunity to once again, on that point, reiterate my desire to see clubs continue to operate in this territory. I have said many times on the public record that our beef is not with clubs. Our beef is the fact they have built a business model that relies on the excessive use of poker machines that has the impacts in our community that I have just described.

One of the more extraordinary things in today's debate, and frankly that I have heard for a while in the Assembly, was Mr Parton standing up earlier this afternoon and boasting that he had told people in clubs that I fantasised about the closure of clubs. He went on to regale them with the other things I apparently hold a view on. It is not true. If Mr Parton were to take the time to research the public record he would know that I have stated time and again that we want to see clubs in our community. We see clubs as important social venues. We recognise the role that they can play in our community but we also recognise the harm they can inflict in our community with their current business model.

The fact that Mr Parton is willing to go out in the community and wilfully misrepresent my position on these matters demonstrates an extraordinary lack of integrity that Mr Parton brings to politics. He cannot just go out and claim that somebody else says something that they have never actually said. We can have political contests. We can have differences of view. But this is not a joke. This is not a bit of buffoonery on radio. These are real issues being debated here in our community. I invite Mr Parton to reflect on his personal conduct because I think conducting himself in the way he described today in the chamber—it is not me presenting what he did; it is him boasting about what he did—does no credit to ACT politics.

The ACT Greens are very pleased to offer our support for this bill today. We believe it will make an important difference for our community and we think that is a discussion that will need to keep going because this is an evolving space. But I think that what is being put forward here is a sensible pathway for our clubs in our community to start to play a different role to what they have played over the last decade or so as the cash has been poured into the poker machines and has distorted their view of their financial model.

**MR MILLIGAN (Yerrabi) (3.55):** I rise today as it is important to speak as the shadow minister for sport and rec on the proposed changes to community contributions. I am appalled at the lack of transparency the government has shown in relation to this issue and their blind ambition to dismantle clubs and build their own empire by bolstering the Chief Minister's own charitable fund. If you went out to any of the community clubs on any given day and talked to the patrons, the staff and the community groups that they support, you would abandon your attack on these Canberra institutions.

Before I go any further, I thank my colleague Mark Parton, the shadow minister for gaming and racing, for his fierce advocacy and his ability to turn up the heat. He has really helped to rally and mobilise the community and give clubs a voice. I am also here to help give the thousands of sports and recreation users and groups a voice.

The community contributions scheme provides millions of dollars in support to local sport and recreation—\$11 million, in fact. The attack on this contribution has been the largest driver behind public outrage at these changes. During the community consultation the government received hundreds of submissions, websites were established, forums were held, clubs repeatedly invited the government to meet with them, and yet here we are. The government has retained the contribution level at eight per cent, but there is an additional 0.8 per cent tax on top of that, half of which goes to assist problem gambling and half of which goes to the Chief Minister's charitable fund. This is on top of the 0.75 per cent already paid by clubs towards problem gambling. Tax upon tax upon tax.

Ten clubs have closed in the last decade and you can guarantee that these changes will result in more closures. Added to this, the current exposure draft offers no real certainty under the new scheme. No definition for "professional sport" is provided as yet and there is a real fear about how this will be applied. How will this impact sports facilities maintained by clubs for all Canberrans but played on by professional sports teams? What does this mean for semi-professional athletes and coaches who receive some remuneration but are by no stretch paid on the scale of the AFL or NRL? In most cases it is not a living wage. The cap of two per cent on in-kind contributions will also have a massive impact.

Meeting room hire might not seem to be a big deal to this government, but again I urge you to go out to a local club and chat to the recreational groups who meet there. They cannot afford commercial facilities, libraries are full and, most important of all, clubs make them feel at home. They look after them and provide that important social connection.

Whilst I support efforts to increase sports participation, why has the new scheme focused so heavily on female sport when it seems this will be at the expense of efforts made to support sporting groups as a whole? Taking away facilities maintenance as a community contribution unless it is for women's sport is lunacy. Only allowing payments for wages, coaches and other staff if it is for women's sport is just crazy. Ask any athlete, coach or support staff at a local club and you will know none of them factor gender into their decision-making.

Sport, by its nature, is inclusive, and implementing this message will make it divisive. Facilities are there for everyone; they are not segregated into gender spaces. Coaching and support staff often cross into both men's and women's sport. I am frustrated by this entire issue and I do not understand how we go from trying to improve the reporting of community contributions to seeing ACT Labor impose social engineering on local clubs and local sport.

Once again I thank Mr Parton for his efforts in campaigning for the community clubs, and I ask those opposite to reconsider their agenda and put themselves in the shoes of the sports and recreation clubs that these changes will impact.

Before I finish I want to tell you a short story. Last week I had the privilege of having a coffee and a bowl of wedges with Reg Bates at the Tuggeranong Vikings. Reg recently won the heart of the community award from ClubsACT for his service to Tuggeranong Vikings Lawn Bowls Club. Reg has given 25 hours per week every week for the last 17 years and also works on a range of local charities and causes as a member of the Vikings. His passion and spirit for his club is outstanding.

Chatting about his beloved club, Reg was genuinely worried about what the future holds. Lawn bowls is already heavily subsidised by the Vikings, and we are talking about big numbers. Hundreds of thousands of dollars is spent on maintaining the greens, employing greenkeepers, providing facilities for the club and spaces for events, and keeping food and beverage costs as low as they can. What happens to Reg and his team mates now?

They give prize money for some of their competitions. Does that make them professional sportspeople? The greens are used by both men and women, so does that mean they cannot claim maintenance and facility costs? The bowls club has a clubhouse in the building. Does that mean this space can no longer be counted? What about their Christmas parties and presentation nights when they are gifted function space? Will these be lost or will members, mostly pensioners, need to find extra cash to book these spaces?

This is the everyday reality of what this government is doing. This is not about problem gambling or making clubs more accountable; there are other ways to do that. If you will not listen to me and you will not listen to Mr Parton, listen to Reg and show a little respect for the time, energy and passion of so many people in our community who rely on this scheme to keep their sports and recreation clubs going.

**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) (4.02), in reply: I am pleased to close the debate on the Gaming Legislation Amendment Bill 2018. I am disappointed at the hyperbole, the inaccuracies and the scare campaign that has been continued by those opposite and by some people in the community. This bill shows that we can strengthen the community benefits that come from our club sector at the same time as reducing gambling harm by working together.

We have delivered a package that was crafted through working with clubs, workers and our community to support clubs whilst strengthening our already robust gambling harm prevention framework. Our commitments in this package were clearly outlined in August 2018; nothing has changed since then. We are investing in our clubs and in our communities to support this reform.

The charge has been made by the Canberra Liberals spokesperson today that we are shutting down the clubs industry. In the same speech he recognised that gaming machine revenue is going down. There is nothing new about the Liberal spokesperson holding two counter positions at the one time and even in the one speech. The government, on the other hand, recognise—and many clubs acknowledge—that there is no future in relying on gaming machines as a sole source of revenue, and that is why we are delivering incentives to invest in new business models and lines.

New businesses will mean more options for club members to take advantage of. It will mean continued employment for club workers and it will mean a sustainable future for clubs. That is why we are also consulting closely on how our community contributions scheme can return an even greater amount of revenue to the community.

The government are adopting a public health approach to gambling because we recognise that gambling harm is not just a problem for the individual. I have personally seen too often and in too much depth and too much detail that it affects others around the gambler—the bills that are not paid on time, the child who is left at home for hours, the family who are evicted from their home. Early research in Victoria indicates an association between accessibility to gaming machines and domestic and family violence. These effects are real and they can be felt right across our community. The government is committed to reducing the number of gaming machine authorisations in the ACT, and this legislation delivers the pathway to achieve that.

I am pleased that in 18 months no more than 4,000 gaming machines will be able to operate in the ACT. Over the past year we have heard the brave and strong voices of those with personal, lived experience of the harm that gaming machines can cause. We are introducing a positive obligation on club directors to act as far as practicable in a way that reduces gambling harm. Where licensees do not meet their obligation to reduce harm and protect consumers, the ACT Gambling and Racing Commission will now have an expanded regulatory toolbox. We are introducing enforceable undertakings as well as a public register of those undertakings and disciplinary action taken. The maximum penalties for breaches by gaming machine licensees are also being increased.

Throughout this year we have heard about the importance of clubs supporting the Canberra community. Clubs indeed provide a diverse range of facilities and activities to their members and their guests and they support a great many people across the broader community through the community contributions scheme. But it has become clear that the scheme could become more effective, and this bill implements two key government commitments to improve the direct community benefit of the scheme.

Under the revised scheme more money will be distributed to the community from the proceeds of gaming machines and the contributions will reach more of Canberra's community. The new transparency and reporting requirements for the scheme mean the community will have better information about where clubs' community contributions are going and who and what they are supporting. Clubs do a lot of good in our community, but under the current reporting regime it can be difficult to

determine how much of the large, omnibus contributions support grassroots level sport or women's sport, and so we are fixing that.

I note again that clubs are free to spend approximately 90 per cent of their net gaming machine revenue as they wish, to support their objectives. But as part of the clubs' social licence in operating gaming machines—a privilege they have, not a right—8.8 per cent of net gaming machine revenue will go specifically to the community. This increased amount is about ensuring that money from gaming machines is getting to people and organisations in our community that need it most. More money will be returned to the community to support a range of community purposes set out in the legislation.

By the end of the year we will have a new regulation setting out the details of the revised community contributions scheme. Again, I draw to the attention of the members here and those who may be listening beyond here that comments on the exposure draft regulation are still welcome until the end of this week. I thank those who have provided constructive input so far. The issues they have raised are being considered by government.

In the detail stage I will move a small number of minor and technical government amendments and I will table a supplementary explanatory statement at that time as well. But let me briefly speak through those amendments now, to save time at the detail stage.

The amendments correct a reference to the commission in clause 20 of the bill, new section 10A, to align with the definition of a voluntary surrender day in new section 10C. They clarify that if I am making a determination about the compulsory surrender of authorisations under new section 10J the total surrender obligation for clubs across both compulsory surrender days in April 2019 and April 2020 will not exceed 20 per cent of the authorisations held at a particular venue on the census day of 23 August 2018, which is when I tabled the pathway to 4,000 in this Assembly.

They will amend the expiry date for new 10G, as set out in new section 10U, to reflect that licensees that receive the pokie-free bonus are restricted from obtaining a new or existing authorisation certificate for five years, in line with their commitment to keep the existing club venue open for five years.

The amendments insert a new clause 26A to address a commencement issue within clause 26 of the bill. The amended clause 26 will commence when the community contributions start next year, and new clause 26A will commence seven days after notification.

Clause 71 is amended by new section 166(1) to correct an error so that required payments to the gambling harm prevention and mitigation fund under existing section 163A(1) of the act can be counted as a community contribution purpose, as is currently the case under the existing scheme. These payments are the 0.75 per cent of gross gaming machine revenue currently paid to the problem gambling assistance fund. However, the new minimum community contribution fund of 0.4 per cent of net

gaming machine revenue will not be able to be counted as community purpose contribution.

The amendments make some technical amendments to clause 109 to ensure the heading and language in section 35 of the Gaming Machine Regulation better reflect that the power under which that section is made relates to the club annual reports.

The bill crystallises the government's reforms to reduce the number of gaming machines and to ensure that the community benefits more from the gaming machine revenue that clubs receive. I thank all of those who have contributed to the development of the bill, including the clubs industry and the community, and Mr Neville Stevens AO for his analysis. I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 12

Noes 9

Ms J Burch	Ms Orr	Miss C Burch	Mr Milligan
Ms Cheyne	Mr Pettersson	Mrs Dunne	Mr Parton
Ms Cody	Mr Ramsay	Mr Hanson	Mr Wall
Ms Fitzharris	Mr Rattenbury	Mrs Jones	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lee	

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail stage

Bill, by leave, taken as a whole.

**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) (4.15): Pursuant to standing order 182A(b), I seek leave to move together amendments to this bill that are minor and technical in nature.

Leave granted.

**MR RAMSAY**: I move amendments Nos 1 to 11 circulated in my name together and I table a supplementary explanatory statement to the amendments [*see schedule 1 at page 4915*].

**MR HANSON** (Murrumbidgee) (4.16): I want to speak very briefly to this bill. I do so at the detail stage following Mr Ramsay's closing speech at the in-principle stage.

He talked much about engagement with the community, consultation, feedback and so on. However, on the way to work this morning I was listening to the radio. I heard the CEO of ClubsACT explaining that he cannot even get to meet with the minister, that the minister will not meet with him.

I just point out that if you are going to come into this place and say that you are consulting, you are engaging, you are listening, when the reality is that the major representative body of clubs in the ACT cannot even get a meeting with the minister, I think that points out that the minister is saying one thing in here and doing something very different out in the community.

**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) (4.17): In response, and in closing, I note that the communication with all clubs—with ClubsACT and with other organisations that represent clubs in the ACT—has been very strong and very thorough, and it has been consistent right across all clubs. That started on 21 August in relation to this particular process. In particular, there has also been further information that has been published on the JACS website.

I note that there have not only been emails to and from ClubsACT, there have also been two meetings with ClubsACT and Mr Neville Stevens that ClubsACT have then cancelled. I think it is very difficult for ClubsACT to be claiming that they are not being engaged with when it is they who have cancelled on two occasions.

We will continue to consult broadly right across the clubs sector. We have continued to be. We had meetings with a range of clubs, including with ClubsACT. That happened on 10 October. I have responded to ClubsACT in previous times, but we are not going to set up trophy meetings to make the ClubsACT CEO feel a little happier about things. We will work quite clearly, engaging strongly with the community, with the clubs and with the clubs sector to make sure that the provisions in this bill and the reforms that this government has been driving will continue right across for the benefit of the community.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Royal Commission Criminal Justice Legislation Amendment Bill 2018**

Debate resumed from 25 October 2018, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (4.19): The Canberra Liberals will be supporting this bill. The policy objective of this bill is to implement recommendations made by the

Royal Commission into Institutional Responses to Child Sexual Abuse. It has been the Canberra Liberals' policy since the royal commission published their report to support laws that give effect to its recommendations. That has been our position on previous proposals from the government in responding to the royal commission, and it is on this bill as well.

The bill makes amendments to a range of criminal laws. I will summarise them as follows: firstly, it creates a new offence in the Crimes Act 1900 of failure by a person in authority in a relevant institution to protect a child from the risk that a sexual offence will be committed against the child. The bill creates a procedural mechanism for charging offences as a course of conduct for child sexual abuse.

The bill amends the sentencing provisions in the Crimes (Sentencing) Act 2005 so that sentences for child sexual abuse are imposed according to current sentencing practices rather than the sentencing practice at the time of the offending. The bill amends the Evidence (Miscellaneous Provisions) Act 1991 in a range of procedural ways, and it makes consequential amendments to other legislation as a result of the changes to the Evidence (Miscellaneous Provisions) Act.

Some of the changes are substantive, such as the course of conduct clauses; some are procedural, such as the evidence clauses; and some are technical. On the substantive clauses, we support the changes introduced in this bill. We understand the trauma that can be created for victims by repeated trials and we support the commission's recommendation that a way be found to reduce this harm.

On the procedural matters, we recognise that the processes of the trial itself can be improved to reduce the distress to those who are dealing with the impacts of very serious crimes, and we will support these changes. On technical matters, our consultations with the legal profession did raise a number of issues. We have raised these matters with the Attorney-General's office and were provided with satisfactory responses, which the attorney can cover in more detail if he wishes to do so.

As always, we consulted with the profession and wider community as we considered this bill. I thank everyone who engaged with us for their considered and important responses. I would particularly like to thank Dianne O'Hara of the Law Society of the ACT and its criminal law team of experts for their comments and consideration, which, once again, were excellent. I would also like to thank the Attorney-General's office for their open and consultative approach—obviously different from that with ClubsACT—in answering the questions we raised with them directly, and for the responses that they provided.

In conclusion, this is another bill arising from the royal commission into child sexual abuse. It is another example of this Assembly working together to help victims who for so long have found it difficult to get justice from the justice system. It is also another example of our working to build a system that might help ensure that these crimes do not happen to children in the future.

I foreshadow that we will continue that approach of working collaboratively with the Labor Party and the Attorney-General to achieve that outcome, which I am sure we all agree on. The Canberra Liberals support this bill.

**MS LE COUTEUR** (Murrumbidgee) (4.23): I also rise today to speak in support of the bill presented by the Attorney-General. Through the revelations of the many survivors who testified in the Royal Commission into Institutional Responses to Child Sexual Abuse, backed up by an ever-increasing body of research, we can be in no doubt as to the detrimental personal and societal implications for children who have been sexually abused. It impacts across physical and mental health, education, employment outcomes, addiction, further exposure to abuse and contact with the criminal justice system. And it has a generational impact.

We cannot prevent the harm those children and young people suffered from institutional failings and wilful cover-ups, because it has already happened, but we owe it to them and their families to ensure that it does not happen again. We also know that so-called benevolent institutions were often at the heart of complaints and misconduct, and allegations of sexual abuse, and could not be trusted to do the right thing or to take action against paedophiles and child molesters, choosing all too often to protect the institution and their own self-interest at the expense of the vulnerable. The people within these institutions who had the power to protect children from known predators failed to do so, and as a result the lives of many people and their families have been irrevocably damaged.

In this amendment bill I am pleased to see that there are measures to address both the injustices and harms of the past—whose impacts, as I said, are still being felt—and the prevention of further injustice and harm into the future. I know the Attorney-General has already detailed these amendments, but I would like to affirm my support and the support of the Greens for those key amendments, in turn.

First, persons in a position of authority who could have prevented a child from being sexually abused but who are guilty of failing to protect children from the risk of sexual abuse may be brought to justice.

Second, in recognition of the impacts of trauma as a result of sexual abuse, and the often continuous, repetitious nature of sexual abuse, particularly for cases of historical abuse, there are new provisions to allow for charging offences as a “course of conduct”. In this, it is not necessary to prove specific instances of sexual abuse or provide detailed accounts of each and every time the child was sexually abused by the same perpetrator. Rather, it is necessary to prove that the sexual abuse occurred and was ongoing.

Third, there is recognition of our current understanding of the devastating impacts of sexual abuse and current sentencing practices but without being able to exceed the maximum sentence at the time when the offence was committed.

Fourth, the provisions extend protection mechanisms for witnesses in child sexual abuse proceedings and other vulnerable witnesses, whether or not they are a complainant.

This amendment bill is another important step in implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse to

ensure that we learn from past mistakes and their horrific impacts. Most importantly, it helps improve our ability to keep children and young people safe from harm in the ACT.

The huge amount of awareness generated by the royal commission has important lessons for all of us: we must not ignore those things that are harmful and wrong just because they are difficult. Many people, including me, knew, through their own experience or that of someone they knew, what was going on in schools, churches and homes around the country. For some of these people, shame, fear of retribution or stigma, or guilt kept them quiet. For others, the subject was just too difficult to discuss, perhaps because it meant questioning their faith or standing up to authority or maybe just because it was not something anyone else was talking about or they felt they would not be believed. The royal commission has shown us that we can talk about the horrible things that have happened and there is an enormous amount of energy and goodwill in our society to be harnessed to right these wrongs and to try to redress the injustices that occurred and prevent further harm.

Whilst we are addressing the harms of the past, we must be mindful that children continue to be removed from their families and placed in the out of home care system. I was very concerned to read in a recent report by the Australian Institute of Family Studies that these numbers are increasing. Between 2013 and 2017, there was an 18 per cent increase nationally in the number of children in out of home care.

This, sadly, is reflected in the ACT, with 558 children in out of home care in 2013, increasing to 803 children in out of home care last year. And we know, in the ACT in particular but I am sure Australia wide, that Aboriginal children are hugely over-represented in this figure. We need to seriously ask ourselves: are we creating another stolen generation? I have heard some distressing stories, so I feel this is a question we need to ask ourselves. I sincerely hope that the government's strategy *Our Booris, Our Way* is doing enough to turn this situation around as quickly as possible to ensure that it is not repeated.

There are many parallel issues that we need to address as a society, both local and national. We do not have to look very far. There is the over-representation of people with disabilities as victims of abuse, especially women as victims of sexual abuse. We should not have to wait for another royal commission to address this. There is the issue of social, cultural and legislative change to respond to the millions of women who have come forward as part of the #MeToo and Time's Up movements. There is the issue of the unlawful and inhumane treatment of asylum seekers, especially child asylum seekers, by successive federal governments. There is the issue of the impoverished conditions for people trying to survive on Newstart—especially, putting an emphasis on children again, the conditions of children who are in families who are trying to survive on Newstart. And probably the biggest failure of the lot for our children is the systematic failure to act to prevent the extinction of thousands of species of plants and animals on the earth, including possibly our own species.

We need to listen to and believe the experiences of those who have been silenced by fear, stigma, power imbalance or disenfranchisement. And, importantly, we need to

act on what they tell us and change our legal, governmental and administrative systems for the better. The Greens are happy to support this bill.

**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) (4.30), in reply: I start by thanking Mr Hanson, on behalf of the Canberra Liberals, and Ms Le Couteur, on behalf of the Greens, for their contribution to this debate and their support for this bill. It is important for us to remain resolved, both as a government and as an Assembly, to follow through on the recommendations that have arisen from the royal commission.

The Royal Commission Criminal Justice Legislation Amendment Bill represents the first dedicated ACT bill to implement the recommendations made in the final criminal justice report of the Royal Commission into Institutional Responses to Child Sexual Abuse. Through the work of the royal commission, Australia has learned about the multiple and persistent failings of institutions to keep children safe, the cultures of secrecy and cover-up, and the devastating effects that child sexual abuse can have on an individual's life. I have spoken before in this place about the importance of the royal commission and emphasised the need for concrete action following the national apology. This bill is one more step in the ACT taking action to protect people from repeating the failures highlighted by the royal commission.

The bill contains changes to ensure that, in holding people criminally responsible for their individual crimes against children, the court process takes account of the latest evidence on how perpetrators commit the crime and on how survivors recount their trauma. It is an acknowledgement of our responsibility, and it represents our ongoing commitment to taking action.

One important amendment is the new offence for people in authority in an institution failing to protect against the risk of child sexual abuse. The offence criminalises a person in authority in an institution moving alleged perpetrators to different positions within that or other institutions if there is a substantial risk of further abuse. The offence will work to help prevent the unacceptable failures we saw through the royal commission report of people in authority moving known abusers to different roles in the same institution and allowing them to continue to perpetrate abuse on new children in that institution.

The royal commission took evidence from both people in authority at institutions and children who suffered horrendous abuse that many institutions engaged in practices of concealing abuse and moving abusers to protect institutions rather than children. For example, a headmaster told a teacher, prior to allowing him to perform relief duties, "I hope you are careful with your touching habits with boys." Based on this and countless other case studies demonstrating a knowledge of abuse, the royal commission considered that a failure to protect offence was necessary to give appropriate emphasis to the obligation of those in responsible positions in institutions to protect children in their care from sexual abuse. This offence will work to shift the balance so that institutions are diligent in protecting children, not abusers.

The bill also creates a procedure for allowing for the charging of child sexual offences as courses of conduct. This means that the impacts of memory recall, particularly when there has been sustained, persistent sexual abuse, are recognised. The ability to charge a course of conduct means that a young person can describe a pattern of behaviour over several months. A discrete time, place and allegation for each alleged incident will not be required for the charge. This mechanism limits the rights in criminal proceedings under section 22(2)(a) of the Human Rights Act 2004, which requires that anyone charged with a criminal offence is entitled to be told promptly and in detail about the nature and reason for the charge. This is also known as adequate particulars for a charge.

The difficulty of victims in recalling precise and exact particulars of persistent sexual abuse committed many years earlier is unfortunately not uncommon in child sexual offence matters. The royal commission noted that to require complainants to delineate separate, and specific, acts of “largely indistinguishable occasions of abuse” years after the abuse happened is “at best an artificial exercise that does not convey the nature of the abuse they endured and, at worst, impossible”. Allowing complainants of historical child sexual abuse the ability to access justice in a way that recognises the trauma and impact of the abuse supports the operation of justice and equality before the law for those victims.

Additionally, to better recognise the shift in attitudes towards sexual offending against children, the bill amends sentencing legislation to ensure that current sentencing practices are applied when sentencing for historical offences. Importantly, the bill does not change penalties that applied to the offence when it was committed, so the offender will be subject to current sentencing patterns and practices but no greater maximum penalty than that applying at the time of the offending.

Finally, the bill makes broad changes to the Evidence (Miscellaneous Provisions) Act, the E(MP)A, to improve access to justice for vulnerable witnesses, to allow better responses for children and their support networks when allegations of a crime are made and to improve the timeliness and experience of giving evidence for children in particular. The royal commission emphasised that the complainant’s ability to give “clear and credible evidence is critically important to any criminal investigation and prosecution”. The changes to the E(MP)A go a long way to securing early evidence from complainants and their support networks to not only obtain the best evidence but also help survivors move on from the abuse. The structure of the E(MP)A has been updated and streamlined. The new structure retains the existing special measures and the readability of the E(MP)A. This has the benefit of making the provisions more accessible for people in the justice system.

Madam Deputy Speaker, this bill is yet another example of the government’s solemn commitment to take responsibility and to implement the findings of the royal commission. We will keep working to improve our legal system and we will keep demonstrating, in our words, in our actions and in our laws, that protecting children is our absolutely priority. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Public Sector Workers Compensation Fund Bill 2018**

Debate resumed from 25 October 2018, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MISS C BURCH** (Kurrajong) (4.38): The main purpose of this bill is to establish the financial and governance structures necessary to support the ACT becoming a self-insurer for workers compensation claims arising from the ACT public service. At present, the territory pays the commonwealth to insure our public sector workers through the Comcare scheme. This creates a certain amount of administrative overhead, as injury management and return to work must be managed between the ACT and commonwealth governments. This bill proposes to reduce that overhead by bringing the responsibility for insuring public sector workers compensation claims within the territory.

The Canberra Liberals strongly support the ACT public service. We want to ensure that ACT public servants who are injured in the course of their work are provided with the support they need. We support improved health and return to work outcomes for injured workers, and better integration of public sector workers compensation with the territory's health services. We want to ensure that injured workers receive the best treatment possible and are supported in their return to work.

We also support this move towards greater financial and administrative autonomy for the ACT, and the streamlining of processes to achieve greater efficiency in government administration. To the extent that this bill improves health and return to work outcomes and achieves greater efficiency in managing public sector workers compensation claims, we support this bill.

The bill proposes to give the territory more control in managing public sector workers compensation claims and reduce the administrative overhead involved in managing these claims across jurisdictions. While we understand that there are efficiencies in bringing all past and present public sector workers compensation claims under the new scheme, we do have some concerns about unfunded liabilities. This bill would make the territory take over liability for all existing claims by past and present ACT public sector workers which are currently obligations of the commonwealth. The ACT has already paid into Comcare to cover these liabilities. So the territory would be relinquishing the benefit of coverage that it has already paid for.

As a licensed self-insurer, the territory would be required to have appropriate prudential and financial governance arrangements in place to demonstrate that it can meet current and future compensation liabilities. Given concerns regarding the

Labor-Greens government's integrity, we must require rigorous accountability standards when establishing a new financial agency. We have seen far too many stories about this government playing fast and loose with its financial and governance responsibilities. For this reason we will be closely monitoring all aspects of the proposed public sector workers compensation fund.

The Canberra Liberals also have serious concern about the composition of the advisory committee for the new compensation fund. There will only be two members of the committee there to represent the interests of public sector bodies and advocate for the interests of the territory and its ratepayers. By contrast, three of the committee's six members will be appointed by the minister to represent the interests of workers. This will all but guarantee that half of the positions on the committee will be doled out to the minister's union mates.

This Labor-Greens government is setting up another body with significant spending authority to be controlled by its fellow travellers in the unions. This government continues to have far too cosy a relationship with militant unions. We have serious concerns about the union-dominated advisory committee having oversight over the large amount of public money that will be allocated to this fund.

Having said that, the Canberra Liberals support the stated aims of the public sector workers compensation fund and improving health and return to work outcomes for ACT public servants and other public sector workers. We support improving the efficiency of administering public sector work and compensation claims. We will therefore be supporting the bill.

**MR RATTENBURY** (Kurrajong) (4.41): This bill will set up a dedicated fund and governance arrangements for the quarantine and management of the ACT's public sector workers compensation liabilities. The fund will be a separate reporting entity under the Financial Management Act. It will be subject to reporting obligations under the commonwealth Safety, Rehabilitation and Compensation Act and will be managed and administered by a public sector workers compensation commissioner. The commissioner will determine the premium amount that is paid each financial year into the fund by the territory.

The bill also establishes a public sector workers compensation advisory committee. It will constitute the commissioner and members to represent workers and the ACT public service—that is, the employer. The committee's functions include advising the minister on workers compensation claims administration. Payments made from the fund will only be able to be made for workers compensation liabilities and for the expenses associated with the fund and the commissioner.

Establishing the fund is a step necessary for the ACT to become a licensed workers compensation self-insurer under the Safety, Rehabilitation and Compensation Act. As Minister Stephen-Smith has outlined, the territory's public sector workers compensation claims are currently managed by Comcare. There are benefits to the territory becoming a licensed self-insurer. These include more control for the territory and improvements to the effectiveness and efficiency of the ACT public sector workers compensation claims management processes.

As the minister has noted, these improvements will hopefully translate into improved health and return to work outcomes for injured ACT public sector workers, as well as reduced costs for the ACT government and economic benefits for the ACT community. These are outcomes that the Greens support. We are pleased to support the bill today.

**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) (4.43), in reply: ACT public servants deserve a robust workers compensation scheme that will support them if they are injured or suffer from a disease as a result of their work. I am pleased to see the support of everyone in the Assembly for that proposition and this bill.

On 4 June 2017, following extensive consultation with staff and union representatives about how to improve injury management performance, the ACT government announced that it would seek to become a licensed self-insurer within the Comcare scheme. While the territory will be changing the mechanism through which workers compensation is delivered to ACT public sector workers, it is important to remember that there will be no change to the type or amount of compensation available to people who are injured because of their employment.

In considering our self-insurance application the licensing authority will seek to assure itself that the territory will apply proper prudential governance for the management of its workers compensation assets and liabilities. This bill provides legislative infrastructure for that purpose. It will provide a high degree of transparency and oversight of our workers compensation operations. The bill is therefore an important step in implementing the necessary governance and self-insurance arrangements to ensure that we are providing our workers with a robust approach to workers compensation.

I thank members of the Assembly for supporting the bill. I note that the unions to be represented in the governance arrangements do actually represent the workers who are directly affected by public sector workers compensation arrangements. It is appropriate that workers are indeed represented in those governance arrangements and that their interests are independently advocated for. As always, I thank the scrutiny committee for its consideration of the bill. 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.

## **Discrimination Amendment Bill 2018**

Debate resumed from 1 November 2018, on motion by **Mr Barr** and **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR COE** (Yerrabi—Leader of the Opposition) (4.46): The Canberra Liberals want to see a city and society that is respectful and compassionate. We want a legal framework that supports people and organisations in the choices that they make and a framework that facilitates tolerance and diversity.

The legislation proposed by the government is broad and, by the Chief Minister's own comments, is in response to very few complaints. Of course, in my time in the Assembly, I have visited many non-government schools. The vast majority of these, if not all, have a strong faith tradition that not only underpins their ethos and culture but was in fact the motivation for these schools being established in the first place. From what I have observed, non-government schools have been places of encouragement, tolerance and compassion. In addition to the religious and faith traditions, these schools have students and families from a multitude of faiths and ethnic backgrounds, and they provide learning environments that families have deliberately chosen for their children.

I am not aware of any instances where a student has been suspended or expelled due to their sexuality. In fact, I know of several faith-based schools that have provided enormous support to students struggling with their sexuality or gender, and I imagine that there are many other cases of support that have been provided by non-government schools that we do not know about, where complete discretion and compassion have been provided. They may not brag about these; they may not tell these stories, but I know that the non-government schools of Canberra provide exceptional service and pastoral care to Canberra students. I am not aware of any cases where a student has been suspended or expelled from a non-government school for these reasons.

Apart from the example given by Mr Barr in his presentation speech, I am also not aware of any employment issues regarding staff that have been struggling with their sexuality or gender. Again, I know of schools that have greatly assisted staff during such times. I am not aware of any cases of dismissal of staff by schools for this reason. I think it is extremely important that we do not demonise our non-government schools or their staff in the ACT. I say this not to belittle the issue; quite the opposite. The school principals I know and speak to are professional, respectful and tolerant, and they deliver exceptional pastoral care to their staff, to their students and to the families of the staff and students, too.

Regarding the legislation, I was disappointed to hear, in a briefing that I received from the government, that nobody from the government had consulted with any school or any school representative body prior to the government presenting this legislation. Once again the ACT government's own guide to community consultation has not been followed—once again. Of course, in the ACT there are very clearly defined stakeholders representing schools in Canberra, and it would have been very easy to have reached out to them for their wisdom and expertise. In fact, there are relatively few non-government schools in Canberra. It also would have been very easy for the government to have reached out to each school in the sector.

I think that faith-based schools should be able to provide education in an environment that is consistent with their faith. Religious freedom and parental choice mean that the Islamic school should be able to deliver a school consistent with the Islamic faith. It means that Catholic schools should be able to deliver a Catholic-based education. It means that Christian schools should be able to foster a Christian ethos, and so on.

In the legislation that has been put forward by the government, they are removing section 33 of the Discrimination Act. The removal of this section risks undermining our non-government sector. At present, section 33(2) states:

Section 18 does not make it unlawful for a person ... to discriminate against someone else in relation to the provision of education or training by an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, if the first person so discriminates in good faith to avoid injury to the religious susceptibilities of adherents of that religion or creed.

That section, section 33(2), is a very important section that provides for religious freedom in our education sector. Why is the government seeking to remove that section? I understand that clause 33(1) may well be problematic or inconsistent with what the government is seeking to do by way of students and staff. But to remove 33(2) and not replace it with another clause that enshrines religious freedom in our education sector is a very disappointing step in the wrong direction for the ACT.

Section 33(2) ensures that religious schools can deliver faith-based education. The removal of this section is not required in order for the government to address the hiring and firing issues, or suspension or expulsion issues. And if it is in any way in conflict, they should have replaced it with a slight revision, while maintaining the fundamental premise of 33(2).

Why did the government remove this clause, perhaps unnecessarily? Either it has inadvertently been removed or the government are seeking to go much broader than what they stated in their presentation speeches. There is no reference, there is no justification, in the explanatory statement for why it is that they think religious freedom should be removed from the Discrimination Act, why it is that enshrining religious freedom in ACT legislation is bad, because that is the only conclusion that can be drawn as a result of this removal by the government.

The removal of this text takes away an explicit right for schools to undertake activities in accordance with their faith. There are concerns that the removal of this section may bring into question whether schools can require that a student participates in religious activities at the school. For instance, under what the government is proposing, could a student or their family object to being required to study RE or attend other faith-based classes? Could a student or their family object to hearing the call to prayer at the Islamic school? Could a student or a family object to reading or listening to prayers? Could a student or a family object to reading or listening to recitations of the Koran, the Bible, the Torah or other religious texts? Could a student or a family object to attending chapel or other religious services? These are very serious questions, and the

fact that the government are unwilling to put in a replacement clause when they are removing 33(2) gives me fear about what the real intention of this move is.

It is plausible that schools could be subject to complaints by students or families if they are subjected to such faith-based practices, despite the fact that students and families signed up for this when they enrolled at that school. Families sign a contract with the school for the provision of education services in the faith-based tradition of that school. It should be no surprise to anyone when the school delivers services that are consistent with that contract.

I expect that Mr Rattenbury or Mr Barr will give an assurance that my fears are not well founded. I expect that they will give an assurance that there is another clause or another section of the Discrimination Act that will come into play. I have no confidence that that is the case. In fact, it is clearly not the case and it is clearly not explicit because the government themselves have said they are happy to put further explanation in the explanatory statement that section 8 of the Discrimination Act applies. If further explanation is required, that is enough doubt to feed my concerns about the removal of section 33(2). This is a very problematic omission that the government are seeking today.

Later in this debate I will be moving amendments to this legislation to reinstate the explicit religious freedom protections that the government are seeking to remove. This can be done without restricting the government's stated intentions regarding the sexuality of students and staff. It can be done. But if the government's intention is simply to remove any potential discrimination—not actual discrimination but potential discrimination—then surely they would have no objection to the inclusion of my amendment in the legislation. The fact that I know they are not going to be supporting that amendment fills me with concern.

In addition to what I have said about religious freedom, there are many practical questions that the government will need to provide clarity on for staff and students with regard to the legislation. For instance, what constitutes a policy and what constitutes publication in accordance with new section 46(3) and (4)? For example, the bill states that there must be published policies. However, how much detail is going to be required, and where and when should it be published? Is including information in the employment pack for a new staff member going to be enough? Is putting the vision or mission on the school's website going to be sufficient? Is saying, for instance, that a school adheres to particular religious texts going to be sufficient?

Can the policy make reference to other sources of information? How much detail is going to be required and how does a school succinctly state the doctrines, tenets, beliefs or teachings of a particular religion or creed in a way that stands up to contract law? This is extraordinarily difficult and, given the scholarly debate and academic research that have been going into these issues—

**Mrs Jones:** For thousands of years.

**MR COE:** for thousands of years, the world over, I find it very hard to believe that somehow here in the ACT we are going to be able to magically answer these

questions and put it into a succinct document that stands up to contract law. This government needs to provide some practical advice to the schools so that there is no entrapment, especially for all the schools that will seek to do the right thing.

It will be very difficult for schools to be able to workshop these policies, draft them, internally consult, consult with unions and then seek board, council or diocesan approval in the time frame that the government has stipulated. I note that the legislation says six months from the date of enactment or when the minister chooses. I would like to receive an assurance that it is not going to be for the start of term 1 of 2019. I will be moving an amendment that calls on the Assembly to put in place a 1 July 2019 start date, as I think that is fair. But in the event that that amendment does not get up, I hope that we will at least get an assurance that it will be some months away, to enable schools to get their policies in order.

I have real concerns about the religious freedom aspects of this legislation. I believe that Christian schools should be able to deliver a Christian education. I believe that Catholic schools should be able to deliver a Catholic education. I believe that Anglican schools should be able to deliver an Anglican education. I believe that Islamic schools should be able to deliver an Islamic education. It is a shame that this sort of stuff has to be said in the Assembly, but it seems that some people here do not actually believe that. It seems that there is doubt; it seems that there is real concern amongst those opposite about the quality of education being provided by the non-government school sector in the ACT.

That is not a concern shared by this side of the Assembly. We appreciate the role that these schools play—not just now but the role that these schools play having regard to the next generation of students, the next generation of people in our society. Regardless of whether you are talking about a government school or a non-government school, they should have the ability to deliver what parents want. They should have the ability to deliver what parents choose. I think that the omission of 33(2) is very damaging to this cause, and that is why we will be moving an amendment, to try to get some reason in this legislation.

**MS ORR** (Yerrabi) (5.05): The Canberra community is proud to celebrate and embrace diversity. We know that 74 per cent of Canberrans voted yes for marriage equality in last year's postal survey. We also know that 74 per cent of Australian voters oppose laws that allow religious schools to select students and teachers based on their sexual orientation, gender identity or relationship status. Therefore, we must ensure that our laws in the ACT reflect the views and expectations of Canberrans.

The Discrimination Amendment Bill 2018 will create safer and more inclusive school environments by protecting students, teachers and education staff from discrimination on the basis of sexuality, gender identity, race, relationship status, pregnancy or intersex status. This bill will strengthen protections against discrimination and ensure that religious educational institutions have a limited exemption to discriminate against employees and contractors, and students on admission only, on the grounds of religious conviction.

Students, teachers and families across the ACT deserve the confidence that our schools and educational institutions are free from discrimination. Whether or not religious schools exercise their current right to discriminate on the basis of sexual orientation, gender identity or sex characteristics, our laws must be amended to ensure that there is no legal opportunity for this kind of discrimination to occur.

This bill will strengthen the ACT's protections and send a message to the federal coalition government that we will not allow discrimination in ACT schools. Canberrans expect their government to stand up to discrimination in all its forms. I am proud that the ACT Labor government, along with the Greens, is doing so.

Every young person deserves to be accepted for who they are. Every teacher and staff member within our schools deserves the right to do their job without fear of discrimination. We must ensure that the ACT law protects LGBTIQ Canberrans. I am pleased that the passage of this bill will deliver the protections that are needed. I would like to thank the Chief Minister and Minister Rattenbury for introducing this legislation and, in particular, I thank the Chief Minister for his continued advocacy for the LGBTIQ+ community. I commend this bill to the Assembly.

**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) (5.08), in reply: I thank Ms Orr for her comments. I also thank the Leader of the Opposition for his contribution, because it is an important bill. It is one that responds to a key issue of public concern about the current scope of exceptions in our Discrimination Act, exceptions that could allow students and teachers in religious educational institutions to be subject to discrimination in relation to their sexuality or to other personal attributes.

The current exceptions in section 33 of the Discrimination Act allow religious education institutions to discriminate against students and staff on any grounds if this is done in good faith to avoid injury to religious susceptibilities of adherence to their religion or creed. This exception could allow discrimination against students or teachers on the grounds of sexuality, which obviously has been the focus of most public and media attention. But it also could allow discrimination on the grounds of gender identity—again, this is obviously controversial and has been the subject of a lot of media attention—and also on relationship status: whether or not you are married; whether or not you are pregnant; your race; and a whole range of other personal attributes.

Let us be clear: the existence of these broad-based exceptions in law should no longer be there. There should not be those exceptions anymore. That is what this legislation is about. A broad-based exception in law designed to protect people from discrimination has to be consistent with the values of equality and social inclusion that we hold dear in this territory. That is why we are moving on this issue. It is because it is unacceptable that personal attributes like whether you are pregnant, your race, your relationship status, your gender identity or your sexuality should be a reason for you to be kicked out of school or no longer able to teach in an educational institution.

The leaking of the recommendations of the Ruddock religious freedom review has galvanised public debate in a way that we have not seen in this country for some time. The absolute outrage across this community and nationwide that these exemptions to law existed prompted the Prime Minister to commit to remove them. A conservative, hard-right Prime Minister committed to remove them in the week ahead of the Wentworth by-election. He said he would do it in the two sitting weeks of the federal parliament that have just proceeded. He did not. He still has not. We will, Madam Deputy Speaker.

The leaking of these recommendations galvanised public debate and concern—serious concern—about the scope of exceptions within our discrimination laws. While some religious education institutions have raised concerns about removing broad exemptions, as the Leader of the Opposition mentioned in his speech, we are hearing very strong voices from faith-based schools in the ACT. They make it very clear that they have no intention, absolutely no intention, or desire to discriminate against students or teachers in relation to attributes such as sexuality or relationship status.

These schools are happy to have the law clarified to ensure that all students and teachers feel valued and supported. Schools do not want this legal right. They have spoken very clearly in that regard. I agree with the Leader of the Opposition. The schools do not want this legislative right; so let us get rid of it, because there is agreement in almost every element of our society and in almost every element of Australian society, except for the reactionary right of the Liberal Party.

This is not just an ACT issue. This is an Australian issue. For example, in New South Wales there was an overwhelming community reaction to a letter sent by Anglican schools to federal MPs. On 8 November the Archbishop of Sydney issued an apology for his letter in which he acknowledged the unfortunate consequence affecting many gay students and teachers who feared that they could be expelled or sacked as a result. The Archbishop stated:

This past week has demonstrated it is untenable that religious freedoms be expressed as exemptions in discrimination acts. Some exemptions, such as those relating to sexuality, we do not use and have no wish to preserve. But the mere fact these remain on the statute books has alarmed people. Therefore, I have approached the government and the opposition for an immediate bipartisan approach which would remove these exemptions and create legislation which provides a positive protection for freedom of religion.

Madam Deputy Speaker, in the ACT we have such a positive protection for freedom of religion. It is contained in section 14 of the territory's Human Rights Act. This act also provides protection for other human rights, such as the right to equality and the rights of children and young people to the protection that they require. Our Human Rights Act allows us to draw on established principles of international human rights law and provides a clear pathway to resolve situations where there are competing human rights and community interests at play.

This is done through a requirement that any limitations on protected human rights be reasonable and demonstrably justifiable in a free and democratic society. Any

limitations must be proportionate and only go as far as is absolutely necessary to achieve a legitimate objective. The protection of the right to religious freedom was considered very carefully in drafting this bill. We did not simply remove all exceptions relating to religious educational institutions, as we recognised that the right to religious freedom entitles parents to send their children to a school that conforms to their religious beliefs.

While many faith-based schools are, in fact, open to all, some parents may choose to send their children to a faith-based school that is part of a homogenous religious community where staff and students share a certain religious conviction. Where it is made clear in publicly available policies that this is how a school is intended to operate, then it may be reasonable for schools to discriminate in terms of the admission of students and the selection and employment of staff. But only—I repeat, only—on the grounds of the religious conviction of the student or staff member, not because of other protected personal attributes.

In practice, this would mean that a school that is conducted solely for students of a particular religion can choose to admit students of that religion. For example, a Jewish school may only accept Jewish students if that is their policy. However, such a school could not discriminate against a student because they come from a same-sex family, as that would be discrimination on the grounds of sexuality and association. For teachers and other staff, schools will still be able to discriminate on the grounds of the religious conviction of the staff member, if this is in their policies, and if the discrimination is to enable or to better enable the institution to be conducted in accordance with its doctrines, tenets and beliefs or teachings.

Some concerns have been raised by religious organisations regarding the effect of these amendments on churches or other religious bodies that might, for example, run Sunday school classes or bible study groups as part of their broader activities. So let me be clear; it is not intended that these activities would be affected by the amendment. This amendment relates to religious educational institutions. “Educational institution” is defined in the Discrimination Act to mean a school, college, university or other institution at which education or training is provided. This definition would cover institutions like schools, colleges and universities that have the primary function of providing education or training to students.

It is not intended that a church should be considered an educational institution because of the ancillary activities that it might conduct. I note that a separate exception is provided in section 32(b) of the Discrimination Act for the training or education of people seeking ordination or appointment as priests, ministers of religion or members of a religious order. That will not be affected by the bill.

Madam Deputy Speaker, we recognise that we are moving quickly—quicker than the Prime Minister, who said he would move even quicker than us—to rectify this issue of public concern. But I make no apology for acting swiftly to reassure our ACT community that discrimination against students and staff on the grounds of sexuality and other personal protected attributes will not be accepted in Canberra.

However, in moving quickly we have chosen to follow a safe and tested path, as the limited exception we have adopted in this bill is modelled on the law that has been in existence for many years in Tasmania. It is also important to note that whilst the focus of public debate has been, as it always tends to be, on discrimination on the grounds of sexuality and same-sex relationships, because people just cannot get enough of talking about our lives, the bill also provides greater protection for students and staff in religious educational institutions from discrimination on a much wider range of grounds.

These protected attributes include, as I have mentioned: race, sex, pregnancy, disability and attributes such as being divorced, separated or a victim of family violence. This reform to our Discrimination Act to provide greater protection against discrimination is part of the government's broader commitment to human rights and to social inclusion and equality. It is a commitment that has been clear for as long as this government has been in office and, let me be clear, will remain and will be strengthened through this process and through the other processes that we will undertake in the years ahead. This is because this is just one step in a broader commitment to examine the exceptions framework under our territory's Discrimination Act.

We are also committed to undertaking a full audit of ACT laws to assist us to eliminate any further areas of discrimination against LGBTIQ Canberrans in the territory's statute books and to develop a reform package to address any matters identified. As a human rights jurisdiction, we have to ensure that the human rights of everyone in our community are reflected not just in law but in the day-to-day practice in our lives.

These changes echo the expectations of our community—the overwhelming expectations of our community. They are a statement in support and care of our young people, of families and of teachers. They also reflect the commitment of this government to our goal of Canberra being Australia's most LGBTIQ welcoming and inclusive city, a clear goal that we are systematically eliminating discrimination in our community to achieve. In the ACT we recognise that inclusion benefits us all. It creates a strong, vibrant and harmonious community. It is a shared goal that we can all work towards. This bill is another important step towards inclusion and equality. I commend it wholeheartedly 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) (5.21), in reply: We are fortunate in the ACT to have the protection offered by a Discrimination Act that in many respects leads the way in Australian jurisdictions. The ACT was the first state or territory to provide protection from discrimination on the basis of a number of protected attributes, such as immigration status, genetic information and subjection to domestic or family violence.

The ACT was also the first state or territory to provide protection in our Discrimination Act for people who experience vilification on the grounds of their

religion. This groundbreaking change in the ACT means that members of religious groups who might be affected by people inciting hatred, revulsion, serious contempt or severe ridicule towards them because of their religion can make a complaint of vilification to the ACT Human Rights Commission. If not able to be resolved by the commission, these cases can be considered by the ACT Civil and Administrative Tribunal and compensation can be awarded. Serious vilification is made an offence under the Criminal Code.

We now also specifically recognise in our Discrimination Act the special significance of Aboriginal and Torres Strait Islander culture and spiritual practices, observances and beliefs. We now explicitly protect cultural rights under the attribute of religious conviction.

These important changes were brought about as the result of a detailed review of the Discrimination Act by the Law Reform Advisory Council, LRAC, in 2015, chaired by Professor Simon Rice OAM. LRAC made a range of recommendations and some, such as the new protected attributes and protection from religious vilification, were able to be implemented as discrete reforms in the implementation of the first tranche of recommendations in 2016.

However, there are still aspects of our Discrimination Act that require further consideration and reform to ensure that our legislation properly protects and supports our diverse and inclusive community. These include the range of exceptions from discrimination that are currently provided in the act. The Discrimination Amendment Bill reforms an overly broad exception that applies to religious educational institutions. The leaked recommendations of the Ruddock review drew attention to the existence of such exceptions that are included in the commonwealth Sex Discrimination Act and in most state and territory laws, including our own.

This exception could potentially be relied upon by religious educational institutions to discriminate against staff or students on the basis of any protected attribute, including sexuality, gender identity and intersex status. This exception may seldom be relied upon in our ACT schools, and many faith-based schools have been appalled by the suggestion that they would expel a gay student or fire a transgender teacher. Nevertheless, the existence of this broad exception is not consistent with our values as an inclusive community or with the objects of our Discrimination Act, which include eliminating discrimination to the greatest extent possible and promoting and protecting the rights of equality before the law under the Human Rights Act 2004.

This bill has been developed to address this issue of public concern in a way that is swift and decisive but also measured and consistent with our obligations as a human rights jurisdiction. It follows the approach taken in the Tasmanian anti-discrimination legislation, which has operated effectively and concurrently with commonwealth laws for many years.

The bill will protect students and teachers from discrimination in religious educational institutions on grounds other than their religious conviction. It will still allow a degree of autonomy for religious educational institutions to admit students and employ staff who share a particular religious conviction, provided that the institution publishes a

policy on these issues. However, the limited exceptions will not apply to discrimination that relates to other protected attributes such as a person's sexuality, relationship status, pregnancy, race, disability or any other attribute protected in the Discrimination Act.

I am satisfied that the bill will not affect the ability of religious schools to teach the tenets of their faith even where these tenets might relate to protected attributes—for example, the belief that a marriage is between a man and a woman. We have added a specific discussion in the explanatory statement about how the amendments are intended to operate together with section 8(4) of the Discrimination Act, which provides that a condition or requirement will not amount to indirect discrimination if it is reasonable in the circumstances.

I did listen to Mr Coe's remarks and there has been some discussion with Mr Coe's office on this since he emailed me yesterday. I will shortly table a revised explanatory statement. I provided the text of that to Mr Coe yesterday. This concern had been raised with the government prior to Mr Coe getting in touch with me yesterday. JACS had already looked at this and provided advice to the Chief Minister and me. And we had already formed the view that this was an appropriate way to respond.

We do believe that the reference in section 8(4) addresses the concern that Mr Coe has raised. Adding that to the explanatory statement, I think, simply further enforces that in that we know that down the line if there is a matter of legal interpretation the supporting material will be used to assist that interpretation. I believe the additional paragraph in the explanatory statement pointing to that fact clearly conveys the intent of the legislation.

Religious educational institutions may rely on the provision in section 8(4) in relation to the teaching of tenets and beliefs of their faith and to impose conditions and requirements on students regarding their participation in religious education, including religious study, observance and practices, provided that these requirements are reasonable in the circumstances. The existence of a policy which sets out the requirements of the school regarding participation in religious education and which is made available to prospective students and families prior to their enrolment would be a relevant factor in considering whether a requirement or condition is reasonable in the circumstances.

I acknowledge that this bill does not consider or address the effect of all the exceptions under the act. That is a larger task and will require more detailed consideration and further consultation. The Justice and Community Safety Directorate will consider further related issues and other outstanding recommendations from the LRAC review in 2019.

For the immediate future, this bill represents an effective, measured and appropriately tailored response to concerns raised in relation to the broad scope of the exception currently provided for religious educational institutions. It seeks to balance the right to freedom from discrimination and a range of other important factors under our Human Rights Act with the right to religious freedom, and I think that the provisions have struck that balance effectively. The bill will improve the protection of human rights to

equality and non-discrimination and the rights of children and young people to the protection they require at school.

The other question that has arisen is the commencement date. As Mr Coe observed in his remarks, there is an indication in the bill that it will commence within six months, if not determined by the minister. I can assure Mr Coe and the Assembly that it is not the government's intention to start this immediately, and I flagged with Mr Coe yesterday that we had a time in April in mind. We have now affirmed that the date that will be set for the introduction of this act is 29 April 2019. That is around the time frame the government had in mind.

Having looked a little more closely at the calendar, that also aligns with the start of term 2. It seems a useful fixture point on the calendar that is clear. I think it gives schools the time to prepare policies if they feel the need to do so under the act and does not put in place a requirement that this be in place by the start of first term next year. That is not our intention.

There are different applications here. One is to staff and one is to students. The longer we delay this does leave the door open for the potential for discrimination against staff particularly. I think it is fair to observe that many students for 2019 will already be enrolled in a school of their choice. I do not think it is necessary to have a start date for first term. The government is committing today that that commencement date will be 29 April 2019. I now table the revised explanatory statement for the bill and 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 COE** (Yerrabi—Leader of the Opposition) (5.31), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 2 at page 4917*] and table a supplementary explanatory statement to the amendments.

As I already flagged in my earlier speech, I have real concerns about the religious freedom aspects of the government's proposed legislation. The removal of section 33(2) does leave a gaping hole in this legislation and in the ACT's legal framework with regard to religious freedom as it applies to schools. The fact that there are enough vagaries around this issue that Mr Rattenbury feels he needs to add additional text in the explanatory statement affirms my concern. If it is so black and white, if there is no doubt, why is it that additional information is required in the explanatory statement which can be called upon for interpretation, as Mr Rattenbury said?

As I have already said, I firmly believe that the non-government schools of Canberra do a great job. They deliver education in a tolerant and compassionate way. I have

visited many schools where there are obviously students from a different faith tradition to that of the school. Obviously, the parents of those kids sent their child to that faith-based school knowing that it was a different faith tradition to theirs but they did so with their eyes open. Often the ethos or the values are very similar to the faith tradition of the family, but still they made a conscious decision. That is what they signed up to. That is the contract that they engaged in.

One need only look at the various vision and mission statements for schools in Canberra. One non-government school includes in its mission:

... where the Good News of Jesus Christ is proclaimed and where faith, educational excellence and the call to justice are reconciled and lived.

Another says:

... an inclusive and welcoming community ... witness to the values of Jesus Christ through leadership, support and services ...

Another school says:

... to partner with parents in providing a Christ-centred, Biblically-grounded and academically rigorous education, which enables students to grow in wisdom and character, to the glory of God.

Another says:

... to provide students with a Christ-centred education in a learning community of Love, Nurture and Service.

Another simply includes:

... this will be provided within a Christian framework ...

All the schools are very clear about the faith tradition that their schools represent, and this faith tradition is not just a by-product; it is just not something on the side; it is the very fundamental reason why these schools were established in the first place. It was the motivation for their establishment. For the government to remove section 33(2) of the Discrimination Act risks undermining the very establishment of these schools. Why is it that they are so stubborn in not allowing my amendment to go forward?

In my conversations and emails yesterday Mr Rattenbury raised some potential concerns. I think they were far-fetched but potential concerns all the same. In response to that, I had another amendment drawn up which gave additional assurance to the government. If the government was concerned that there could be unintended consequences, I included in a draft amendment that I sent around that the religious freedom, in effect, had to be in accordance with the policy published by the educational institution and that was readily accessible by prospective and current students at the institution.

I also included “is reasonable in the circumstances”. That was in response to the draft inclusion to the explanatory statement that Mr Rattenbury sent through yesterday. The concerns that he put to me I was happy to include in the draft amendment. I have since been told that they are not going to support that; they are not going to support the original amendment; they are not going to support my revised amendment; therefore, there is no point in my putting this forward today as a revised amendment. What we are debating now is my original amendment, which is:

Section 18 does not make it unlawful for an educational institution to require a student to participate in religious education at the institution if—

- (a) the institution is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed; and
- (b) requiring the student to participate in religious education at the institution is intended to enable, or better enable, the institution to be conducted in accordance with those doctrines, tenets, beliefs or teachings.

Importantly, the definition of “religious education” includes:

... study religious education, attend religious services and observe religious practices.

That is pretty reasonable. In fact, it is very, very similar to what was in the legislation before. Nothing that I just read out would conflict with what the government wants to do with staff and students. Yet they do not want to include this in the legislation anymore.

As I said, I am happy to put additional things in there. I am happy to say that it has got to be reasonable; I am happy to say that it has got to be in accordance with the published policy. Yet even with the addition of those two clauses, they are still not willing to accept this amendment. That gets me very concerned about what this government’s real agenda is.

As I said at the very beginning, I am not aware of any instances where staff have been fired due to their sexuality or any instance where students have been suspended or expelled because of their sexuality—quite the opposite. I have seen situations where principals and other staff have provided immense support to students and to staff who are in these circumstances. There are many ways we could say this is a solution in search of a problem.

I think the non-government schools of Canberra do a great job, and they should not be demonised. They also should have the right to practise the faith tradition that they were established to promote, and that is what this amendment is all about. It is about a fundamental principle of religious freedom, and I urge those opposite to support it.

**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) (5.40): The government will not be supporting Mr Coe’s amendments because they are solutions looking for problems. The bill as presented by

the government reflects a careful balance of protections for vulnerable people within or who interact with religious educational institutions and the right to freedom of religion, which remains an important part of our social fabric as a community.

The removal of broad-based exceptions for religious educational institutions is aimed at stopping students and teachers alike from being discriminated against simply for who they are. In the government's view this is best achieved by the bill in its current form. I acknowledge that Mr Coe has a significant interest in this, and some of his colleagues through their interjections to his speech clearly have a significant interest. They are welcome to make a contribution to this debate, in fact, I encourage them to do so. Get on the public record and say what you really think rather than making snide remarks across the chamber.

To address the specific amendments moved by Mr Coe, the first includes a delayed commencement for the amendments to the middle of next year. As Mr Rattenbury has indicated, it is the intention of government to work closely with religious educational institutions in the territory to support them to understand and to be in a position to comply with these reforms prior to them taking effect.

The bill in its current form already allows for commencement of the amendments by ministerial declaration, and where no such declaration is made the amendments will commence around six months after the amendments are passed. This provides sufficient flexibility to accommodate the anticipated consultation with the education sector to ensure that students and teachers are not left with reduced protections under the current framework any longer than they need to be. We anticipate commencing these changes on 29 April 2019, which coincides with the start of the second school term. For this reason the government will not be supporting Mr Coe's first amendment.

In relation to the second amendment moved by Mr Coe, it would introduce a narrow and targeted exception for religious educational institutions which would apply to discrimination on the basis of any protected attribute. The exception would allow a religious educational institution to require students to participate in religious education, which could include a requirement to study religious education, attend religious services and observe religious practices.

This amendment would limit the right to religious freedom as students could be required to attend services or observe religious practices that are wholly inconsistent with their own religious beliefs. This exception is obviously likely to have the most impact on students who, as Mr Coe has indicated—and these students exist—attend a religious school that does not reflect their own religious faith.

Although there is an exception in section 46 of the Discrimination Act allowing a faith-based school not to admit a student from another faith—and this exception is retained in the bill—the fact is that in Canberra pretty much every religious school chooses to admit students of different faiths. In fact, many schools admit students of no faith. Where a student of a different or no faith is admitted they should not be subject to unfavourable treatment or requirements that disadvantage them unless those

requirements are reasonable in the circumstances. These protections would be severely limited under the amendments proposed by Mr Coe.

For example—this may be an unusual example, but I am sure it exists—a Muslim student who attends a Catholic school could presumably be required to attend mass and potentially take communion under the amendments moved by Mr Coe. We are very concerned that this amendment will not strike the appropriate balance of rights in this context and, indeed, could unduly limit a student’s right to religious freedom.

In response to these amendments the explanatory statement has been revised to ensure that it is crystal clear that this bill is not about stopping religious educational institutions from teaching the things they believe in. However, the government believes that it is appropriate that the ability of religious schools to impose conditions and requirements on students and staff that could have an indirectly discriminatory effect, including requirements to participate in religious observances and practices, should be qualified by the requirement that they are reasonable in the circumstances. That is what this bill achieves.

For this reason and because of the undue limit Mr Coe’s amendment would have on students’ rights to religious freedom, we will not be supporting it today. I commend the bill unamended to the Assembly.

**MR COE** (Yerrabi—Leader of the Opposition) (5.45): Chief Minister, why is the government not willing to accept my altered amendment? My altered amendment states that it has to be reasonable in the circumstances and it has to be done in accordance with a policy published by the educational institution. Why is the government not willing to support that?

They are not willing to support an amendment that says that it is not unlawful for an educational institution to require a student to participate in religious education at the institution if the education is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed and requiring the student to participate in religious education at the institution where it is intended to enable or better enable the institution to be conducted in accordance with those doctrines, tenets, beliefs or teachings and it is in accordance with a policy published by the educational institution that is readily accessible by the prospective and current students of the institution and is reasonable in the circumstances.

That is exactly what I put to the government yet they do not want to include it. That is why I have extreme suspicion about the real motivation. That is why it is so important that we get an amendment up today. The fact that we have available an amendment that supposedly addresses Mr Barr’s concern and yet he is still not willing to put it in the legislation is a real worry to the opposition.

**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) (5.48): As the Leader of the Opposition well knows, the legislation already contains the protections he is seeking. This is simply grandstanding and looking for a reason to oppose the bill overall. My suspicion is that in order to hide

the internal divisions within his own party room on this matter he is seeking to provoke a situation where he finds a reason to oppose the bill. I hope I am wrong. We will not be supporting his amendments, and I encourage the Assembly to support the bill unamended.

**MRS DUNNE** (Ginninderra) (5.48): I have three brief points to make. In his first comments, the Chief Minister spoke about snide comments. I was sitting in the chair for most of the time when Mr Coe was speaking. While there was a murmur of conversation, there were no snide comments. I need to put on the record that there were no snide comments, so that the Chief Minister's assertions do not go unchallenged. Also an assertion that needs to be challenged is that there is in some sense division in the Canberra Liberals party room on this issue. There is not. There is complete unanimity and cooperation on this issue in the Canberra Liberals party room.

Thirdly, I cannot let the comments made by the Chief Minister in relation to the requirements of attending a Catholic school go uncommented on and uncorrected. I attended Catholic school for all of my school life, and most of my children attended Catholic schools for long periods of time. It is not the case, never has been the case and, I venture to say, will never be the case that a non-Catholic student would be forced to take communion. In fact it is quite the contrary. It would be considered unacceptable in a Catholic school for a non-Catholic student to take communion, because of what the Catholic Church believes and teaches about communion. Simple—end of story. On this occasion the Chief Minister is wrong. He should withdraw the statement because it is so palpably and demonstrably wrong. It shows he has no understanding about the operation of faith schools in this city and in this country.

**MS LEE** (Kurrajong) (5.51): I thank Mr Coe for bringing forward these important amendments to this bill. In my view they strike the right balance in protecting our children and teachers against discrimination in our schools and protecting religious freedoms in education. All Canberra schools should be places where everyone feels welcome. That has certainly been my experience, whether in a government or in a faith-based school.

When it became clear that the ACT, the jurisdiction with the highest yes vote in the same-sex marriage survey, was one of the few places where, under current legislation, it was possible for a school to expel a student for their sexual orientation, I was surprised. As I have stated before, in my time as shadow minister for education, and on meeting with numerous principals and teachers from a number of Canberra's religious schools, I have not come across a single religious school in the ACT that has sought to, wishes to or has expressed a desire to have the power to expel a student based on their sexual orientation. Mr Coe has observed that his experience has been the same.

So I was concerned to hear about some of the circumstances that the Chief Minister brought up in tabling his bill last month. I hope that that was an unfortunate one-off. While the power appears not to have been used, certainly in the time when I have had the education portfolio, it is appropriate that the exemption be removed and that religious freedoms in our schools remain protected.

The bill amends the exemptions for religious educational bodies and requires that a policy of religious doctrine be made public if it is to be relied upon under the act. These changes are appropriate and, as Mr Coe has already confirmed, the Canberra Liberals do not have an issue with this. However, I reiterate Mr Coe's concern about the lack of detail about what this actually entails and about the lack of consultation this government has had with our faith-based schools in bringing forward this bill.

The government bill also excludes the entirety of section 33 of the act. This is the section that allows a religious school to, well, be a religious school. I initially thought that it may have been an oversight and not an intention to prevent religious schools from providing education in accordance with their specific religious doctrine. But, given the debate that has preceded my speech, it seems clear that it was the government's intention to do so. If that is the case, then the government must explain to our community why it is taking that one step too far to remove the religious freedom of our faith-based schools.

The unforeseen impact of this would be to prevent a religious school, a school that is clearly promoted as a religious school, from requiring students to participate in the religious activities of that school. This would include educational classes, attending religious services and prayer, namely the types of activities that make a religious school a religious school. This goes to the principle of what a religious education is about. It is not unreasonable to assume that when parents decide on an education for their children at a faith-based school they understand, accept and expect that they will receive an education based on the religious doctrines of that school.

It is not a requirement that a child adopt or convert to the religion of the school or, as the Chief Minister has stated, take communion. But it is appropriate and reasonable for a faith-based school to require participation and that, merely by doing so, it is not going to open itself up to prosecution for discrimination. The concerns the Chief Minister raised and the example he gave about communion are just plain wrong. I commend Mrs Dunne for bringing that to the attention of the Assembly.

Mr Coe's amendments provide a necessary right for religious schools—Catholic, Protestant, Islamic or any other faith—to require a student who chooses to attend that school to participate in the religious educational classes taught at that school. This provision is important to ensure that children and parents who agree that a faith-based school is the best educational avenue fully understand the particulars of the religious doctrine at that school and accept that the school's religious education is part of the pedagogy of that school. A school's actions in delivering such an education should not be at the risk of falling foul of the law.

As Mr Coe mentioned, he negotiated in good faith with Labor and the Greens on a further amendment to mirror the government's bill in both form and spirit by requiring the policy to be publicly available for prospective families and to further mandate that any requirement for engaging in religious activities must be reasonable in the circumstances. However, given their absolute reluctance then, and now just digging their heels in in refusal, to even consider that proposed amendment, there is no point in Mr Coe seeking leave to move it.

Mr Coe's amendments to this bill take a sensible approach that provides a balance between religious education and protecting our children and teachers from discrimination in our schools. Had Labor and the Greens supported the proposed further amendment, it would have only enhanced that sensible balance.

Mr Rattenbury says that the revised explanatory statement fixes it all. But he very well knows that an assurance, a clarification, a protection, a paragraph in a revised explanatory statement is not the same as legislative protection.

I thank Mr Coe for bringing forward these amendments to the bill today. I commend his amendments to the Assembly.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 9

Noes 12

Miss C Burch  
Mr Coe  
Mrs Dunne  
Mr Hanson  
Mrs Jones  
Mrs Kikkert

Ms Lee  
Mr Milligan  
Mr Parton

Mr Barr  
Ms J Burch  
Ms Cheyne  
Ms Fitzharris  
Mr Gentleman  
Ms Le Couteur

Ms Orr  
Mr Pettersson  
Mr Ramsay  
Mr Rattenbury  
Mr Steel  
Ms Stephen-Smith

Question resolved in the negative.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

*It being after 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.*

## **Emergencies Amendment Bill 2018**

Debate resumed from 25 October 2018, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MRS JONES** (Murrumbidgee) (6.02): I support the Emergencies Amendment Bill 2018 put forward by the Minister for Police and Emergency Services. The bill makes amendments to the Emergencies Act 2004 to enhance the clarity and operation of the act as it relates to the function of the security and emergency management senior officials group—or SEMSOG—emergency subplans and the application of the act during an emergency situation.

The Canberra Liberals support the administrative improvements by streamlining the process of director-general appointments to the SEMSOG. We also support the inclusion of security as a main function of the SEMSOG as well as the changes being made to the function and process of emergency subplans and community communication plans.

We of course support the clarification that, as per the self-government act, the Deputy Chief Minister may appoint an emergency controller if the Chief Minister is unable to exercise their power or is otherwise unavailable. It would be interesting if a situation were to arise where neither the Chief Minister nor the Deputy Chief Minister was available to do this. However, I am sure that there are some sort of arrangements in the regs for this.

Finally, I turn to scrutiny report 24 which considered this bill. A concern they raised and on which I am not particularly satisfied with the government's response is around the application of division 19.3.3 of the Legislation Act as it pertains to the appointment of an emergency controller.

The scrutiny committee recommended that the minister consider providing for the tabling of the instrument of appointment in the Assembly together with a statement of support of the appointment. The minister believes it to be unnecessary and/or impractical to provide an obligation for the tabling of a statement in support of the appointment of an emergency controller.

Given that the scrutiny committee found that this left the Assembly and potentially the person appointed less protected, I find it astounding that the minister considers it unnecessary and/or impractical. That does not tell us whether he thinks it is unnecessary or impractical or both, and it is a very strange statement to make in a report.

We spend half our lives listening to the government tabling statements in this place, and even if it is some weeks after an emergency controller has been appointed there is no reason why a statement cannot be made to the Assembly outlining why that person was appointed.

I understand the government does not want to change this part of their bill, but it seems over the top to not allow the Assembly some scrutiny of the decisions made in an emergency situation. I have been informed that it may leave the person appointed to this role in a less protected position if there were an inquiry afterwards. I leave it at that, and in general terms we support the bill.

**MS LE COUTEUR** (Murrumbidgee) (6.06): It is a sensible bill and the Greens support it. It is designed to clarify certain matters and put policy and legislation into practice. It is common sense legislation that acts to both tidy up some existing vagaries, like the standing membership of the security and emergency management seniors official group, and take advantage of opportunities to enhance our city's emergency planning.

Unfortunately we live in times where emergencies such as described in the explanatory statement are becoming more frequent and are increasingly likely to be compounded or interlinked. For that reason I particularly acknowledge the legal integration of subplans into the formally recognised emergency framework that may be developed in response to a perceived specific threat, which will hopefully see the territory more prepared and ready to respond to any possible crisis or emerging catastrophe.

The remainder of the bill offers minor but important administrative amendments, and I thank Minister Gentleman for bringing them forward today.

**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) (6.07): I thank members for their input on the bill and their comments today. I will make a couple of comments in regard to my response to the scrutiny committee.

The committee sought information on the intention to displace an obligation for the appointment as emergency controller to be subject of a disallowance by the Assembly. I advise members that it was indeed the intention to remove the requirement for any appointment of the emergency controller to be done by way of disallowable instrument. Under the current provisions of the act it would be only in select circumstances where the appointment would be subject to disallowance, but this includes a situation where the Chief Police Officer has been appointed as the emergency controller.

I appreciate that the disallowance of such an appointment may be unlikely. However, the implications should this occur—which include the potential for the Chief Police Officer to be prohibited from being appointed as emergency controller for six months following disallowance—could have serious operational implications for the territory and should be avoided.

The committee also asked me to consider tabling the instrument of appointment in the Assembly together with a statement in support of the appointment. Noting the significant requirements to update the ACT community informed about an emergency, including any appointment of an emergency controller, I do not support the need to table within the Assembly a statement of reasons behind the appointment of an emergency controller. Any appointment would be subject to further discussions and debate through normal Assembly processes.

In these time-critical situations it is important that key leadership roles can be appointed on the best available advice without delay. In addition, the reasons behind the appointment of an emergency controller may be of a sensitive or classified nature. This is most likely the case in relation to the appointment of the Chief Police Officer as emergency controller in order to provide for a coordinated response to a terrorism or security-related incident.

Finally, the committee commented on the fact that no other means are provided in the Emergencies Act for the Assembly to end a state of emergency or otherwise bring the appointment of the emergency controller to an end. A state of emergency or the appointment of an emergency controller is a significant decision for government to make. It would only be made in response to a significant threat to the ACT community by an emergency event.

The circumstances where a state of emergency or appointment of an emergency controller might need to be ended prior to or during an actual or imminent event is highly unlikely. The premature termination of either a state of emergency or an emergency controller's appointment would impede the task of managing a time-critical situation that presents a significant danger to the health or safety of people, animals or property or the environment or that presents a significant risk to the disruption of essential services within the territory.

As the minister responsible for the Emergencies Act and our emergency personnel and police officers who put their lives on the line to protect the ACT community, I feel that such a proposal would unnecessarily jeopardise and put the community at risk at a time where clear and effective leadership and control are needed.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Disability Services Amendment Bill 2018**

Debate resumed from 30 October 2018, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MS LEE** (Kurrajong) (6.12): This bill is an important method of ensuring the powers of the ACT Official Visitor are up to date with the ever-changing landscape of disability service provision in the ACT. As the ACT has now transitioned to the NDIS, the powers and functions of the Official Visitor must be updated to ensure that their purpose is still served. The bill does this with three central amendments.

First, it changes the definition of "visitable place". This is necessary because the act defined "visitable place" as aged-care facilities providing services for a person with a disability aged less than 65. However, the implication of this definition was that a facility with a resident with a disability aged over 65 could not be visited. The bill clarifies the intent for these facilities to remain visitable regardless of the age of the resident with a disability.

Further, the role of the ACT government in providing disability accommodation has changed. Therefore, restricting visitable places to providers of care run by the government or in receipt of ACT funding was no longer valid.

The act also specifically excludes private residences but given that under the NDIS many clients receive care in private residences the Official Visitor must be able to access these premises to ensure quality of care. The bill clarifies this point. However, the bill still exempts private homes where a client lives and receives services from someone other than a specialist support provider, such as family or friends.

I was concerned that the written request for the Official Visitor to not attend a visitable place might be open to some risk such as forgery or difficulty for some clients who may not be in a position to write. Officials who briefed me on the bill informed me that official visitors know their clients very well and are trained and experienced enough to act on any possibility of this type of risk. I was also assured that various provisions are put in place to ensure that clients' best interests are protected. However, close monitoring of this provision will be necessary, and a further refinement of this process may be appropriate in the future.

Second, the bill makes changes to the register of visitable places. When the ACT provided supported accommodation services the register of visitable places was easy to manage because information systems were consistent and data was kept centrally. However, as private providers now deliver accommodation services, it has become necessary to amend the act to ensure the register records data more accurately. This is done by requiring providers to provide certain information to the director-general.

Additional information that will now be recorded includes: the address of the visitable place; the name of each person receiving services at that location; the list of specialist disability service providers operating at that location; and, for companies providing specialist disability services, the contact details for service providers operating at the location. This information must be provided to the Official Visitor and the Public Advocate to assist them in their roles.

I raised some concern about privacy, and I was assured that the addresses of visitable places will be made available to emergency services and to clients and their guardians only when the director-general considers it necessary and appropriate. The reasoning behind providing the information to emergency services is fairly obvious: in the event of an emergency and the client requiring emergency care. Disclosing the address of a visitable place to clients is appropriate in the event that they wish to ensure a provider they intend to use is effectively on the books as a visitable place and that the Official Visitor is aware of the location and its clients.

Third, the bill changes the way the Official Visitor gives notice of visits. The act currently requires a fixed period of 24 hours' notice, and the bill amends this to reasonable notice. Whilst there is always an open-to-interpretation risk when using the word "reasonable", this provides additional flexibility for the Official Visitor to carry

out their duties, particularly in the event that there is a reasonable belief of some risk of harm.

These amendments are largely to maintain the effectiveness of the current Official Visitor regime and have come about due to the changing landscape of disability service provision in the ACT. The opposition supports the bill.

**MS LE COUTEUR** (Murrumbidgee) (6.16): Madam Speaker, I also rise in support of the bill. I note the main amendments are a result of the transition to the NDIS, and I support the need for the ACT government and the official visitor to continue to provide oversight of disability service providers in the ACT under the new NDIS landscape.

While of course there are privacy implications for a person with a disability whose private home may become a visitable place under the new provisions, I am satisfied that a person may refuse visits from the official visitor and that any infringement on the right to privacy is balanced by the need to exercise due care and oversight for persons with a disability who are receiving disability services in their home, particularly to protect people with a disability where there may be a sole disability service provider who is responsible for both the person's accommodation and their support needs.

I also note that the bill removes the requirement for the official visitor to provide 24 hours written notice before visiting a visitable place. Again, I am satisfied with the provision that an official visitor can visit a visitable place at any reasonable time and the further stipulated revisions such as following a complaint or where there is a risk of harm to the person with a disability.

Legislative safeguards such as these are necessary and important to protect people who may be vulnerable. As I have spoken about earlier today, there can be appalling ramifications where this is not carried out with due care and vigilance and when we simply rely on organisations to do the right thing. We already know that people with disabilities experience disproportionate rates of violence and abuse. It is my hope that these amendments will assist to ensure that the voice of people with disability who are accessing services are heard when issues arise. The Greens support the bill.

**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) (6.18), in reply: I thank members for their brief contributions on the Disability Services Amendment Bill. This important bill will support the official visitors for disability services to carry out their vital safeguarding role in monitoring and investigating the welfare of individuals with a disability residing in disability accommodation.

As always, I want to take this opportunity to thank the Standing Committee on Justice and Community Safety for their consideration of this bill. In relation to the amendment on the definition of visitable places, I thank the committee for drawing the Assembly's attention to the important balance struck between the management of

risks to vulnerable people and the possible infringement of human rights by visits to people's homes, as well as drawing the Assembly's attention to the detailed description of how these issues have been addressed in the explanatory statement accompanying the bill.

As Ms Lee noted, in recognition of the potential impact on the right to privacy, a number of exclusions and an opt-out provision are included in the bill. The official visitors must comply with a request not to be visited and must be sensitive to the wishes of an entitled person when conducting a visit. This gives the entitled person further control over if and how the Official Visitor conducts a visit.

The definition of visitable places will be able to be further clarified through the provision in the bill for a disallowable instrument specifying types of specialist disability services that do not require visitation and therefore do not result in being defined as a visitable place.

In summary, the purpose of the bill is to allow the Disability Services Act 1991 to continue to deliver on the intent of the official visitor scheme in the current service context of the NDIS. It will support the official visitors, Ms Hargreaves and Ms Durkin, and their successors, to continue their vital role in safeguarding the wellbeing of vulnerable Canberrans.

The Community Services Directorate will review the operation of the amendments in 2020 to ensure that they have, in fact, facilitated the official visitors' work as intended.

Finally, I would like to thank members again for their interest in and engagement with the development of this bill and commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Yerrabi electorate Valedictory**

**MS ORR** (Yerrabi) (6.21): As it is the last sitting week of the year, I rise this evening to reflect on the year that was and highlight some of the things in store for Yerrabi in 2019.

Firstly, though, I would like to thank the people of Yerrabi. It is an honour to represent all of you in this place, and I am so grateful to be your voice within government. Our area of Canberra is growing rapidly, and with this growth it is important that the needs of our community continue to be met. I am looking forward to working with all of you, and my colleagues in this place, to make our part of Canberra even better in 2019.

I would like to take the opportunity to thank the Clerk and his office for their always helpful advice. Thank you to the committee support office, in particular Brianna McGill, for your secretariat support on the environment, transport and city services committee. Thank you to the Assembly's attendants for your daily support and welcoming smile every morning, and thank you to the staff in the Office of the Legislative Assembly.

I thank my fellow ACT Labor colleagues for their ongoing commitment to make Canberra a more progressive city. I also thank members of the opposition and the Greens for a year of robust and sometimes comedic debate.

To my office, thank you for all your hard work over this year. I would especially like to thank David Vanderwolf, who recently left us to be with his family in Melbourne. David, you were a valuable asset to the Orr office team. We will miss your dad jokes and appreciation of a good glass of red wine but we wish you all the best for the year ahead.

A lot has happened this year, both locally and nationally. While the federal parliament has been full of chaos and division, thanks to the Turnbull-Morrison coalition government, here in the ACT we have got on with the job of governing and making Canberra an even more progressive and inclusive city for everyone.

Just today we passed important legislation that will protect LGBTIQ+ Canberrans in our schools and education institutions. This builds on ACT Labor's commitment to create an inclusive Canberra for the LGBTIQ+ community and our allies. In April we saw the delivery of Australia's first pill testing trial. ACT Labor is committed to harm minimisation, and I look forward to this trial continuing at Groovin the Moo in 2019.

We delivered significant investments in Gungahlin schools, with 500 more places across Amaroo, Gold Creek and Neville Bonner schools, as well as the expansion of Franklin Early Childhood School. Construction progressed on north Gungahlin's new school, now named Margaret Hendry School. I know that residents in Moncrieff and surrounding suburbs are excited that classes will start there in 2019.

With this being my last adjournment speech of the year, it would be completely out of character for me not to provide an update on my old home suburb of Giralang. For the benefit of the local community, I have been in contact with the developer to find out where things are up to. The developer has advised me that construction of the shops will be underway in February next year. It is expected to be a 14 to 18-month build. If things go according to plan, this means that by the middle of 2020 Giralang will have its shops back. This is great news for the community, who have been without their local centre for over a decade.

We have achieved a lot this year, but there is still more to do for the people of Yerrabi and the ACT. We will see hearings for the building quality inquiry get underway next year. I hope this inquiry will deliver tangible outcomes to reform the building and construction industry within the ACT and support residents across Yerrabi who have experienced serious issues with the quality of their homes.

I look forward to works commencing on Gungahlin town centre linear community park so that the local community have access to quality public green space near their homes and in their town centre. I am very excited, as I know a lot of people in Gungahlin are, to see light rail stage 1 commence operation and deliver a quality public transport service for Canberrans. I am keen to work with my local community over the next year to reduce the use of single-use plastics in our community, and I look forward to working with people to change attitudes and behaviours for the benefit of our environment.

Madam Speaker, I wish you, the people of Yerrabi and all members and staff of the Legislative Assembly a safe and happy holiday season and all the best for 2019.

### **Valedictory Climate change**

**MS LE COUTEUR** (Murrumbidgee) (6.25): As this is the last sitting week for the year, I would like to start off by thanking my staff, the wider Greens staff and all the MLAs here for your contributions. And thank you to all the other people who keep this place running, particularly the committee staff whom I have to deal with. Without you, it would not happen. And thank you to my constituents. Without their passion and enthusiasm, it would be hard to work out why I was even bothering to get out of bed to come here. I wish us all a very happy and safe holiday season. I will be very fortunate because I am going to get to visit my grandchildren, who are now living in Australia, which is a great treat for me.

Now I want to talk about things which are not so much a great treat. When I was the age of my grandchildren, summer holidays were the time for sunbaking, and there were no worries. Now, for me at any rate, and for many people, it is a time of fear, with heatwaves, flooding and longer and more dangerous bushfire seasons. Tomorrow I am going to a special Weston Creek Community Council meeting on bushfires, and earlier today Minister Gentleman talked about how climate change has made our climate more dangerous. He mentioned the Pierces Creek fire in November; he said that previously such a fire could not have happened before January.

A positive note on this is that tomorrow Canberra students are going to take part in a climate strike for a safe climate future. And on Friday my granddaughter, and I am sure thousands of other young people in Australia, will be going on a climate strike. This is what they want, and I quote from their website:

We are children aged 5-18 from cities and towns across Australia.

Most of us have never met before but are united by our concern about our planet.

We are striking from school to tell our politicians to take our futures seriously and treat climate change for what it is—a crisis.

They can show us that they care by taking urgent action to move Australia beyond fossil fuel projects ... and get the job done of moving us to 100% renewable energy for all.

Climate change is one of the biggest problems facing the world and it isn't being addressed quickly enough.

In Australia, education is viewed as immensely important, and a key way to make a difference in the world. But simply going to school isn't doing anything about climate change. And it doesn't seem that our politicians are doing anything, or at least not enough, about climate change either.

So, as our contribution to the changes we want to see, we are striking from school. We are temporarily sacrificing our education in order to save our futures from climate wrecking projects like the Adani coal mine.

Words fail me. It is really tragic that our kids feel like that. And it is more than tragic to find that yesterday our Prime Minister condemned the school strike for climate action. What universe is he living in?

I was going to quote a longer piece from some of the organisers, but I will not; I will just quote briefly from the words of Jean Hinchliffe, who is 14 years old. She goes to Fort Street High School, and she says, "Mr Morrison says that he does not support our schools being turned into parliaments." She continues:

Maybe if the people in our parliament listened to the science and took action like those of us in school are, we wouldn't have to resort to strike action like this. We're sick and tired of politicians playing politics with our futures.

As the kids say, politicians—and that is us—must act. In our defence, in the ACT, we have started a process of reducing our greenhouse gas emissions, aiming for a net zero by 2045. If the whole world did that, we might manage to keep global warming to 1.5 degrees, but it is more likely to be two or three degrees.

We have a long way to go, but I have to say that the most positive thing is that we have active, smart, compassionate kids who are doing all they can to stop climate change and have a safe climate future for themselves and for us. Thank you to all of them.

## **Valedictory Light rail**

**MR MILLIGAN** (Yerrabi) (6.30): I am grateful to have this opportunity to review the past 12 months as the local member for Yerrabi. As the shadow minister for sport and recreation, I am going to ask for your indulgence to review my performance and that of my team using some oarsome sporting puns. Bear with me.

The year 2018 has been a season of ups and downs, but I am going to say up and ups. As the local member for Yerrabi, I am blessed to have the captain and the leader of the Canberra Liberals as a teammate out there fighting for local residents and issues. For me, fighting for local small business has been a major focus, showing the devastating impact that light rail has had on our businesses for over two years, affecting growth, jobs and investment. I will keep attention on this issue and make sure the hardship experienced by those traders is not forgotten and is not experienced by any future businesses because of this government's actions.

Equally, the non-stop and poorly planned road construction has frustrated so many residents: Gundaroo Drive, Mirrabai Drive, Horse Park Drive and Flemington Road. There is the lack of basic services for the new suburbs like Bonner, Jacka, Casey and Moncrieff, where the Canberra Liberals have fought hard for adequate bus services and proper rubbish collection.

At the other end of the scale, the neglect of older suburbs in terms of maintenance and upkeep has also been an ongoing issue. We are working with the community on issues like the redevelopment of the Gold Creek Country Club, buses for our schools and elderly residents, adequate parking, a recreation facility for Casey, and cleaning up Moncrieff's waffle pod rubbish issues. It is great to have the opportunity to support and to work in partnership with them. It reaffirms that we are on the right track in representing what our electorate needs.

As a team, as a dynamic duo, I think Alistair and I complement each other and bring different skills to the game. I feel privileged to be a member of such a great team with an outstanding leader. The Canberra Liberals team is really a great team and destined for good things in 2019. We are united and driven not only to make this government accountable but also to stand up for the values that we know our constituents believe in.

This is so, too, with my own team. Sadly I traded two of my strongest players this year, Chris Inglis and Karin Oerlemans, both outstanding individuals who helped me immensely on my journey and remain close friends. I take this opportunity to publicly congratulate Chris and Angela on the birth of their new son, Sam James—that is right: James—Inglis. I take credit for that little one being named after me but I am not sure that is the actual truth.

I have welcomed two new recruits, Cath Woodward and Bella Gilhooly, both smart and extremely dedicated to the Liberal cause, my values and my approach to politics. We were also lucky enough to be assigned a sharp young mind in Brandon Bodel, who I have seen grow as a professional and political animal. So, too, with Justin Reily, an outstanding ANU student who conducted extensive research on sport and recreation topics that will no doubt benefit our efforts in 2019. Justin quickly became a member of the team and we all enjoyed hearing his perspective on issues.

But I must say that the most valuable player in all of this has been long-term warrior and now senior intern Ewan Brown. I cut my teeth with this man on the local community council. He has stayed the course and always provides frank, honest and valued advice.

This is not to discount the role of other team members, my lovely wife and son, the amazing volunteers and supporters we have and, of course, the community I represent. Yerrabi really does provide me with inspiration each and every day. It is because of those hardworking individuals, the families, the business owners and the vulnerable people who need a voice that I do what I do. This year, 2018, has been the season of consolidating, of implementing the lessons from my first year and building a vision and pathway to keep representing Yerrabi all the way to be in government in 2020.

### **Valedictory**

**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) (6.35): I begin tonight by thanking my local community in West Belconnen and Belconnen more broadly and my electorate of Ginninderra for their continued support. I look forward to catching up with some of my neighbours and friends during the festive season.

I also want to acknowledge and thank my family, who do not see as much of me as they would like. I thank them for being there regardless. I would also like to acknowledge and thank my team in my office, as well as the DLOs, all of the staff of all the other offices, the Assembly staff, everybody who has supported us throughout the year and, in particular, my Labor colleagues, for their friendship and support in what has been a considerably busy year for the ACT government. I wish you all a very safe and happy end of year celebration.

I also want to take the chance to acknowledge and thank two people who have done some wonderful things for people in our community. They have done some amazing stuff in supporting people who have needed it most in our community, I think everyone will agree.

First I want to acknowledge and thank Dira Horne, former CEO of Belconnen Community Service, who has been a great woman leader with a passion for building a strong community of service providers, particularly in Belconnen. I appreciated her support and our work together in building the local services network in Belconnen. This initiative will leave a lasting legacy for Belco residents. I thank Dira very much for her commitment and passion for this work and all of her work with Belconnen Community Service.

I also want to acknowledge and thank Chris Redmond of Woden Community Service, whose compassion and deep empathy for others is such that he would often put their needs ahead of his own. He is a wonderful advocate, someone whose ideas and advice I have very much valued.

I acknowledge and thank them and wish them well on behalf of the ACT government, as well as from me personally, for their advocacy, their friendship and their generosity with advice. I wish them both all the very best for whatever the future holds.

**Valedictory**

**MR PETTERSSON** (Yerrabi) (6.37): What a year. I cannot believe another year has come and gone so quickly. I would like to start by thanking my hardworking and dedicated staff, Joshua Orchard and Agatha Court. They are wonderful and dedicated people who work well beyond what is required of them. There is, of course, a great irony in what I just said, in that both of them have gone home and are not watching me give this speech. So I take that back.

I thoroughly enjoy coming to work each day because I know that we are always in for a few laughs and hard work. In preparing for this speech I asked my staff what they think we have achieved this year or have done a bit better than last year. Here are a few of the funny ones.

First and foremost they wanted to point out that we have had more meme content this year and, as a result, have doubled our Facebook likes. So you know what that means for next year: we are doubling down on the memes.

They also said that the speeches I give in the chamber are of a bit higher quality than in previous years. It pains me to mention this but there is definitely one speech in which I accidentally printed the speech double-sided and only read one side into *Hansard*. There is a fun game to be played here if anyone can figure out which speech that was.

Finally, in their suggested highlights of the year my staff said that we have all become experts on weed when we were not previously. I would like to take a moment to thank the Assembly IT staff for not ratting us out for our internet research histories. I am sure there has been a confused IT worker going through our search histories wondering why we are looking up how much weed costs, how many grams are in an ounce and even how you grow weed. Thank you for not alerting the police.

I want to point out that I got to go to Mardi Gras this year, which was a big highlight for me. There is definitely some terrible TV footage of me bopping along as we marched that I hope disappears forever, but I hope the memories do not. It was a lot of fun and I hope to go again one day.

I hope, as we head into the summer break, that everyone has some time to relax and enjoy the company of friends and family. I am looking forward to family from afar coming to Canberra this Christmas.

I conclude by saying thank you, as always, to the good people of Yerrabi. You are amazing. It is an immense honour to work on your behalf each and every day. I look forward to advancing our collective cause in 2019 and, heck, going on that first light rail trip. It is going to be mad fun. See you all next year.

**Valedictory**

**MRS DUNNE** (Ginninderra) (6.40): I would like to take this opportunity to put on the record some of my thanks. I would like to thank the members of the electorate of

Ginninderra and the people of Ginninderra who have put their faith in me time and again. I would like to pay tribute also to the members of the Ginninderra branch of the Liberal Party, and the wider Liberal Party in the ACT, for their work and for the support they give us in here. It is a two-way street and I am very grateful for the support that we receive.

To the Clerk and the staff of the Legislative Assembly, through you Madam Speaker, I would like to pass on my thanks, particularly to the hardworking committee office and my own hardworking committee secretary, who goes above and beyond in a very difficult and busy time. I think I have been on four different committees this year. I am still on some of them. I really do pay tribute to the hardworking committee office for the amount of work that they turn out.

While it is not quite Christmas time, it is still only November, I have been thinking about Christmas gifts for my own family. And I feel a little difficult about this but I was thinking about the sorts of Christmas gifts that we could give to members here in the Assembly. Every year I like to encourage people to cut down on their spending. In this spirit, I have a suggestion for Christmas presents for each of the members that will not only be good on Christmas Day, but may last through the holidays. Also, generally speaking, they are low cost.

For Mr Barr, I think a staycation is what is needed, which would make a pleasant change from jetting off to China, Japan, Singapore, New Zealand, Berlin, Madrid, Zaragoza, Hong Kong, LA, New York—there are others. For Ms Berry, I think what would really make her Christmas would be to ensure that her chicken house had full renos and that it was both fox free and so egalitarian as to be pecking order free.

For Miss Burch, Miss Candice Burch, I would offer her a party bus, but one that ran on a timetable. For you, Madam Speaker, a practical gift: the special edition combined set of *Erskine May*, *Odgers' and House of Representatives Practice*. Actually, it was Ms Cheyne who got me thinking on this because I came across something in my Facebook feed that was absolutely up her alley. It was an LED personalised my little pony lamp. For Ms Cody, I did struggle for a while and then I thought I came across the perfect gift: life membership of the CFMMEU.

Mr Coe is building a deck; so for him, I offer time to chillax on that deck. For Ms Fitzharris, I know that what she is really looking for in 2019 is at least one good health story. Mr Gentleman is going to get a pen pal kit, because I know that if he really practises writing to people, he will feel more comfortable in writing to his constituents and members of the Canberra Liberals.

Mr Hanson will get a motorcycle cruise with the presidents of the Canberra chapters of the Rebels, the Finks and the Comancheros, because I know that he is a very persuasive person. By the end of the cruise I expect that they will all agree to pack up and leave. Mrs Jones, you get the thing that I always offer myself at this time of the year, which is an unadulterated day in bed doing nothing, except perhaps reading—and you will enjoy it and you will relax.

For Mrs Kikkert, she gets chocolate and, of course, world peace. Ms Lawder will have well behaved dogs that never run away and always resist their doggy instincts. Ms Le Couteur will have more time to write housing policy and tax policy. Ms Lee is well known for her Zumba classes. I think she needs a change of pace. For her this year, it is Feldenkrais classes.

Mr Milligan is a great car collector; so he is going to get a collector's edition Matchbox Porsche. I thought about this for a while, but it is perfectly obvious what Ms Orr needs. She needs some Peking duck, because we all know who should have been the ACT mammal emblem. Mr Parton will get a new selfie stick so he can get some long distance shots in those videos.

For Mr Pettersson, this is actually not a cheap one. He will get a round-the-world trip to take in dope dens and coffee shops from Oregon to Amsterdam. Mr Ramsay, on the other hand, gets to stay home and visit a cross-section of ACT clubs, not including the Labor Club or the Tradies. Mr Rattenbury has any low emission, low cost jaunt that he would like. Mr Steel, I think needs relaxation therapy; and Ms Stephen-Smith, like her colleague, will get life membership to the CFMMEU. And for Mr Wall, a life membership of—well, no, actually you do not. Mr Wall gets to kick back and wet a line.

I would like to say a particular thank you to my staff, Clinton, Keith and Maria, who are augmented from time to time by Deb. They combine to make a cool, calm, collected, question writing, FOI writing, press release writing machine. I thank them for that. And I, Madam Speaker, will spend my time down the coast, perhaps taking in a bit of fish and chips at Tuross Head. That is all one needs for Christmas. I wish you all a merry Christmas, a safe Christmas and a safe return in 2019.

## **Valedictory**

**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) (6.46): Madam Speaker, several years back I was, willingly, recruited into a community choir. The song drew on the suggestions from Canberra children to respond to the question: where do playgrounds come from? The song was written by the wonderful Canberra duet The Cashews. It seemed as if there was some mystery about the source of playgrounds, as the children suggested that some of the questions that needed to be pondered were: “Do they come from the sea? Do they float down the Murrumbidgee? Do they come from the sky floating down for a while of a time?”

2018 has, indeed, been a diverse and energetic year. There have been, as always, many highlights across each of the portfolio areas. Just as The Cashews asked the children about playgrounds, it is appropriate to consider at this time of the year: where does all this come from?

Madam Speaker, the results come from my staffing team: from Brooke, David, Michael and Sharyn. They come from my wonderful outgoing media adviser Alex and

they already come from Anton, who has joined the team this week. Each of them has truly gone above and beyond this year.

The results come from the volunteers, the interns and the work experience students who have joined the team briefly, but very importantly. To Fred, Alissa, Adol, Flynn, Annika, Nikita and Hannah, I have learnt from each of you. Madam Speaker, the results have come from the DLOs, with my specific thanks going to Gregory, Kev, Kylie and Kim who, along with Steph and Heidi, have added depth, character, efficiency and humour in what is always a very busy office.

The results have very clearly come from the public service: the team at JACS, Access Canberra, artsACT, EventsACT, the CFC, the Office for Seniors and Veterans in CSD, CMTEDD and now, from August on, I am pleased to be one of the many ministers working with EPSDD. They have each brought insight, creativity, stability, commitment and clear guidance. Canberra is undoubtedly a better place because of the hard work of our public servants.

Madam Speaker, as with The Cashews song, suggestions for the mysterious source of inspiration continue. For me, the inspiration has come from our advisory councils: veterans, ageing, law reform and now the incoming Minister's Creative Council. The people on these councils provide a vital and unique role in advising me, in advising government and in ensuring that we remain connected with the broader community.

The Cashews also suggested that there was boundless opportunity to make some friends, to build some fun and to give to our community. That is manifestly the case with my colleagues in cabinet, in caucus and in the chamber. We do seek to give to our community and we have the privilege of building it together. And sometimes we even have fun.

Of course, Madam Speaker, I continue to be in debt to the people of Ginninderra. I have a very generous team of volunteers who continue to contribute their time, their skills and their expertise to my work. I thank the people of Ginninderra for their regular contact, for their guidance and for their support.

Of course, any success in any way that I do have in this role arises from the mysterious support of my family. To Lyndelle, Joel Alana, Justine and JJ, the unfortunate reality is that I have probably seen less of you in 2018 than in 2017, but you have all remained solidly there for me, including in times that have been more difficult than others may have known.

Madam Speaker, The Cashews suggested that there were many possibilities for the sources of playgrounds, but Pete and Alison concluded that playgrounds come from you, and you, and you. That is the same conclusion that I have come to with the work that I have had the privilege to be part of this year.

To all those people that I have mentioned, and to a great many more, I affirm that any success has come from you, and you, and you. Now, hopefully, with around 48 hours to go in this sitting period, we approach the times of Hanukkah, of Bodhi, of Mawlid, of Yule, of Christmas, of Hogmanay and many of other festivals and celebrations.

I wish all of the people of Canberra rest; I wish them a sense of joy; I wish them the opportunity to gather with those who they love and to have the space to remember those who they have lost. I look forward to continuing the work in 2019 so that all people can be valued, can belong and can have the opportunity to participate.

### **Health Care Consumers Association**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (6.51): A significant milestone has been reached this year by the Health Care Consumers Association. This year HCCA celebrates 40 years of consumer health advocacy in Canberra.

The ACT government has enjoyed a long and positive working relationship with HCCA. Our constructive partnership is underpinned by an understanding that everyone at the table wants a health system that is of the highest quality and value for money.

Over four decades HCCA has supported consumers to have their voice in the design, delivery and improvement of health services in the ACT. This is vitally important because we need to hear from those at the centre of the health experience. One thing all world-class health systems have in common is the way they incorporate consumers into the design, delivery, planning and review of health services, which leads to better outcomes for patients.

How people want to experience health care and how we improve their stay in hospital, and indeed how we can prevent them from needing hospital in the first place, is at the core of what we need to know from consumers. Consumer input provides unique perspectives into how we can better understand the needs of our community in using our health services. HCCA have been pivotal in seeking that valuable feedback and insight over many years. They have achieved this through participation in committees and through consultation with consumers when needed. The importance of this interaction cannot be overstated.

The HCCA has been involved in more projects than I can list here today, so I will give members a snapshot: working with consumers to contribute to the design and operation of community health centres and walk-in centres; part of health services clinical review processes and the reviewing of adverse incidents in health care; supporting evaluations of health services against consumer needs, such as the obesity management service, the way back support service, and home-based palliative care; providing health literacy information seminars to community groups, seeking consumer input into specific health service issues and projects, and supporting consumer representatives on over 100 health services committees in the ACT.

They have actively engaged recently with ACT Health in the delivery of a number of important pieces of work, including the quality and safety strategy and the draft territory-wide health services framework, as well as sustained engagement to provide consumer input into the design and operation of the University of Canberra Hospital, including participation in over 300 meetings prior to its opening.

In celebrating 40 years, the HCCA also said thank you and farewell to Dr Sue Andrews, former chair of the HCCA board, after six years of dedicated stewardship. I would like to thank Dr Andrews for her steady guidance, her commitment to consumers having choice and control, and equitable access to health care for all members of our community. Dr Andrews has given generously of her time and energy over the past six years, and her understanding and promotion of consumer engagement are deeply appreciated. Dr Andrews remains an active consumer representative, including continuing to chair the centre for care close to home steering committee.

I would also like to acknowledge the incoming president, Mr Alan Thomas, who has been a long-term HCCA member, consumer rep and committee member. I look forward to continuing the excellent engagement between the government and the HCCA under his guidance.

I acknowledge Ms Janne Graham, the first person to receive a life membership to HCCA, in recognition of her passionate and influential consumer advocacy with HCCA since the early days of the organisation. I also acknowledge Darlene Cox, executive director, for her ongoing and fearless leadership, and robust approach to ensuring good outcomes for people accessing the ACT's public healthcare system.

I have no doubt that HCCA will continue to be a driving force in supporting healthcare consumers and their carers to engage in their own health journey. I would like to finish by congratulating the Health Care Consumers Association on its 40th year and all of its significant work to support consumers to participate in the creation of a high quality and patient-centred health service for Canberrans.

## **Valedictory**

**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) (6.55): It has been a great year for the ACT, and the directorates in my portfolios as minister have worked hard to provide better services for the people of Canberra.

As we leave this place for the last time in 2018, it is important to thank those who enable us to serve Canberrans. While it is the time of year to relax and have some recreation with family and friends, I want to pay my sincere respects to the front-line service personnel who continue to protect the Canberra community over the holiday period. Our ambos, our SES, our parks people, our firies and police officers perform a vital role in keeping our city safe, and I thank them for the time with family that they will miss to ensure that the rest of the city can enjoy Christmas in security and safety. Their commitment to serving the community should be acknowledged and praised. I also acknowledge the families of these personnel who sacrifice family time with their loved ones.

As we enter the bushfire season, I am glad to say that we are better prepared than ever to handle the challenges that are coming. The recent Pierces Creek bushfire showed the strength of our resolve and our procedures. I am confident that, under the vigilant watch of the emergency services agencies, Canberra's community will be safer this summer.

I also want to acknowledge the great work this year by ACT Policing. The new Chief Police Officer, Ray Johnson, is a man of great experience, and I look forward to working with him, particularly on the police futures model. I thank the former Chief Police Officer, Justine Saunders, for all the hard work she put in to her role, and wish her well for the future.

It has also been a big year for the Environment, Planning and Sustainable Development Directorate. The directorate has done a great job in supporting our growing city and preserving the bush capital that we love. In particular, I am very pleased at the new and interesting ways that EPSDD has been working with the community to understand and respond to their views. I look forward to continuing this into 2019 and keeping Canberrans involved in their city's planning.

This year has been one of achievements for our city and its people, and I am proud to serve in a progressive government delivering for its community. I look forward to the year to come for more opportunities to build a better Canberra.

I want to say a fond farewell to Brenton Sloane. He has been a fantastic comms officer and has provided me with some very sage advice. I wish him all the best for the future in his new role, which will allow him to spend more time with his family. I thank his family for allowing him to spend that time with us.

I thank all of the people in my office, my staff and my DLOs, for making life fun. They have been a fantastic group to work with. I also thank my constituents in Brindabella. They have been a great group to work with. Happy Christmas to all.

Question resolved in the affirmative.

**The Assembly adjourned at 6.59 pm.**

## Schedules of amendments

### Schedule 1

#### Gaming Machine Legislation Amendment Bill 2018

##### Amendments moved by the Attorney-General

1

##### Clause 20

Proposed new section 10A, definition of *voluntary surrender day*, paragraph (b)

Page 11, line 4—

*omit*

commission

*substitute*

Territory

2

##### Clause 20

Proposed new section 10J (2), except note

Page 17, line 17—

*omit proposed new section 10J (2), except note, substitute*

- (2) The total of the surrender obligations for a licensee for both compulsory surrender days must not exceed 20% of the authorisations held by the licensee in relation to the authorised premises on the census day.

3

##### Clause 20

Proposed new section 10U

Page 25, line 14—

*omit proposed new section 10U, substitute*

##### 10U Expiry—pt 2A

- (1) This part (other than section 10G and divisions 2A.3 and 2A.4) expires on 1 April 2026.
- (2) Section 10G expires on 1 April 2024.
- (3) Divisions 2A.3 and 2A.4 expire on 31 December 2020.

4

##### Clause 26

Page 27, line 1—

*omit clause 26, substitute*

##### 26 Annual report of clubs New section 54 (da)

*insert*

- (da) the total value of any contributions made to registered parties and associated entities;

*Note* A licensee that is a club must also include information about community contributions made by the club in their annual report (see s 172).

5

**Proposed new clause 26A**

Page 27, line 7—

*insert*

**26A New section 54 (e)**

*insert*

(e) anything else prescribed by regulation.

6

**Clause 71**

**Proposed new section 166 (1), definition of *community purpose contribution*, paragraph (a) (ii)**

Page 49, line 6—

*omit*

section 163A (1) or

7

**Clause 109**

**Proposed new section 35 heading**

Page 67, line 13—

*omit the heading, substitute*

**35 Expired gaming credits in annual report of clubs—Act, s 54 (e)**

8

**Clause 109**

**Proposed new section 35**

Page 67, line 14—

*omit*

licensee

*substitute*

club

9

**Clause 109**

**Proposed new section 35**

Page 67, line 15—

*omit*

licensee's

*substitute*

club's

10

**Clause 109**

**Proposed new section 35 (a)**

Page 67, line 17—

*omit*

licensee

*substitute*

club

11

**Clause 109****Proposed new section 35 (b)**

Page 67, line 19—

*omit*

licensee

*substitute*

club

**Schedule 2****Gaming Machine Legislation Amendment Bill 2018**Amendments moved by Mr Coe (Leader of the Opposition)

1

**Clause 2**

Page 2, line 3—

*omit clause 2, substitute***2****Commencement**

This Act commences on 1 July 2019.

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

2

**Clause 6**

Page 3, line 10—

*omit clause 6, substitute***6****Section 33***substitute***33****Religious education etc at educational institutions conducted for religious purposes**

(1) Section 18 does not make it unlawful for an educational institution to require a student to participate in religious education at the institution if—

- (a) the institution is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed; and
- (b) requiring the student to participate in religious education at the institution is intended to enable, or better enable, the institution to be conducted in accordance with those doctrines, tenets, beliefs or teachings.

(2) In this section:

*participate in religious education* includes study religious education, attend religious services and observe religious practices.