



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**19 MARCH 2019**

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**Tuesday, 19 March 2019**

**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.

**Uncle Carl Brown**  
**Motion of condolence**

**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) (10.01): I move:

That this Assembly expresses its deep regret at the passing of Uncle Carl Brown, who was a proud Ngunnawal Elder, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

In expressing our deep regret at the recent death of Ngunnawal elder Kingswell Carl Brown, I rise this morning to bring forward this condolence motion. Known to many in the community as Uncle Carl, he was a quiet and proud Ngunnawal man with a strong presence. Through diligence and determination, Uncle Carl changed how many of our ACT government directorates conduct their work with respect to Canberra's traditional custodians.

Uncle Carl was born in Yass and lived much of his early life on missions within Yass before moving to Canberra, aged 17, to look for work. After working in construction for many years, Uncle Carl turned his skills to working with the ACT government's genealogy project, which he said had helped him to better understand his family's history.

Through the project, he found that his father's grandfather was a convict from England named Tom Brown, who married Clara Woodhouse, a Ngunnawal woman from Yass. This link-up with the ACT government fuelled his passion to share his rich Ngunnawal heritage and to impart his learnings to others.

Uncle Carl was engaged with government over many years, and his wisdom impacted a range of government policies and undertakings. He was insistent that Ngunnawal country needed to be burned in a more sensitive manner, especially around heritage places. As a result of his advocacy, we now have cultural burns and an Aboriginal fire officer within ACT government.

He also mentored Aboriginal staff within the ACT parks and conservation service for many years. As part of his connection to country, Uncle Carl and his daughter Tina performed a number of smoking ceremonies at public events for the government, including on a section of the light rail route in 2017.

His 15-year-long advocacy from within the Ngunnawal community also saw the relocation of the Outward Bound scarred tree, which was scarred during the construction of a canoe, to the Namadgi visitor centre for preservation, conservation and long-term management.

He chaired one of the four representative Aboriginal organisations that consult on heritage matters in the ACT and strongly advocated for the protection of Aboriginal sites. Uncle Carl was well-known in the community for his talent for recording history with his words. In an interview with the ABC in 2016, he explained how Canberra's Indigenous heritage has shaped our community today and his role as a member of Canberra's Ngunnawal community. "I'm proud of who I am—really proud of who I am," he said. "Proud of my family."

This morning, on behalf of the ACT government, I would like to extend our deepest condolences to Mr Brown's wife, Louise; his four children, Tina, Justin, Adrian, Nevada; his seven grandchildren; and more broadly the Ngunnawal community, at this difficult time.

**MR COE** (Yerrabi—Leader of the Opposition) (10.05): I too rise today to express condolences on behalf of the Opposition at the passing of elder Uncle Carl Brown. Mr Brown was a prominent Ngunnawal elder and Indigenous leader, having resided in both Yass and Canberra throughout his life. He was born into a family of three sisters and four brothers: Dixie, Dorothy, Wendy, Sun, Buddy, Donald and Ati. His parents, Ossie Brown and Jean Bell, were both Ngunnawal people. They were born outside of Ngunnawal country but returned about 50 years ago.

Born at a mission in 1952, he was to go on to make a huge impact in our region. After an extensive career in the construction industry, Mr Brown began working with archaeologists around Canberra to assist in identifying and maintaining Indigenous heritage sites and other artefacts.

Uncle Brown enjoyed walking, particularly when participating in archaeological surveys. On one such walk in Googong, Uncle Brown's son Adrian found a number of Indigenous sites in areas exposed after the dam was constructed. He described that discovery this way: "like someone just got them in wheelbarrows and took them over there and dumped them on the hill".

Uncle Carl was an expert in finding these artefacts. He once described one such expedition in Namadgi National Park as difficult due to the steep nature of the cliffs. However, Mr Brown wrote:

You would not find much stuff up in the hills, but you would find a lot of stuff in the valleys and the creeks, not where it was high up.

It was the experiences and insight that Uncle Brown had that made these archaeological expeditions so successful, despite the very difficult terrain.

Uncle Brown was also passionate about understanding more about his family and his people and was regularly involved with the ACT government's genealogy project. It was through this project that Uncle Brown traced his ancestry back to an English convict named Tom Brown and local Indigenous woman Clara Woodhouse from the area surrounding Yass.

Uncle Brown was also a tireless advocate regarding Indigenous over-representation in the justice system and was involved in a number of initiatives aimed at lowering the Indigenous incarceration rate during his time here in Canberra. Passionate about passing on his own knowledge about Indigenous history in the Canberra region, Uncle Brown ensured that he taught his family and the wider community about his work. His passion for discovering and maintaining information about Indigenous history will not be forgotten. It will continue to assist in enriching the cultural diversity that exists within our city.

He once wrote:

My grandchildren will probably learn much more about it than I have. They will probably start at an earlier age. I started late. That is what it is like today for people like me. People like my father did not know what I know today about this sort of stuff. And the next generation that comes along will know much more, because they will be learning it earlier, about Aboriginal artefacts and history and all that sort of stuff. Years ago, nobody knew anything.

Today, we honour him for his contribution. We must honour him, as he said, to ensure that future generations of Canberrans continue to learn about our Indigenous heritage in this region. On behalf of the Opposition, I would like to express my deepest condolences to Uncle Carl's family, including his four children and seven grandchildren. His contribution to our city and the wider region will be remembered by all.

Today, we honour him for his contribution. Our thoughts are with Louise, his family, his children, his friends and the community. By honouring him, we are acknowledging the wisdom and culture that is passed from one generation to the next, and it has been like this for thousands of years.

**MR RATTENBURY** (Kurrajong) (10.10): On behalf of the ACT Greens, I join my Assembly colleagues in expressing condolences at the passing of Uncle Carl Brown, a proud Ngunnawal man who was a member of the United Ngunnawal Elders Council and who worked as a traditional owner alongside Canberra archaeologists.

I first learnt of his passing at the opening of the new Kambri precinct at the ANU, where he was scheduled to be part of the traditional welcome to country with other elders Wally Bell and Matilda House. His absence was sorely felt then, as I am sure it will be into the future.

The fact that he had been scheduled to participate in that welcome tells me that his passing was not expected. So I feel immense sadness that yet another Aboriginal man has gone too soon. I extend my condolences to all of his kin, extended family and friends. His presence will be missed.

Uncle Carl came to Canberra at about age 17 after being born at Hollywood mission and growing up on another mission in Yass. He worked in construction for many years, as has been noted, before putting down the tools to begin working with archaeologists, in an effort to help them understand the deep connection to land that all Aboriginals and Torres Strait Islanders feel.

He played a significant role in the genealogy project that was initiated in 2010. This project helped us all to understand the complexities behind traditional ownership or custodianship of the land on which we live. The project also assisted Uncle Carl to better understand his own family history.

He was proudly Ngunnawal and learnt that his father's grandfather, Tom Brown, had been a convict who coupled with an Aboriginal woman, Clara Woodhouse, in the generations before him. He learned that he was from the Wallabalul people, a Ngunnawal clan from the area of Yass who have a spiritual connection to land that extends over tens of thousands of years.

It was their unique and continuing connection to country, to the land and water that he worked to preserve and educate us about. He featured in the book telling the stories of the Ngunnawal in 2007, in which many elders recounted stories from their lives in an effort to help us understand their connections with each other, and their connection to land and water.

In that book, he says he was given the name Kingswell when he was born and that he knew some basic words in Ngunnawal that he had learnt from his parents. He described himself as a Ngunnawal warrior. He took a keen interest in walking around Ngunnawal country, getting to know it, understanding it and connecting with it.

He spent time walking and working out the back of Namadgi and traversing the Googong shores, identifying scar trees and significant archaeological artefacts, getting to know more about the ways of his ancestors as he went, and he was happy to share that knowledge. It was and is important knowledge that should inform how we live in this region.

He said his grandchildren will probably know more about country than he did, just as he had learned more about country than his father, and so the cycle of sharing of traditional knowledge continues. The Greens recognise that sovereignty was never ceded and that to become a truly reconciled nation we must act to empower, listen to and support Aboriginal and Torres Strait Islander peoples, their families and communities.

We must make deliberate efforts to listen to our local and regional Aboriginal people, whether they be Ngunnawal, Ngambri, Ngarigu, Wolgalu, Gungundurra or Wallabalul. These are the traditional peoples of our region and we have much to learn from them. Carl Brown's significant contributions to our local Indigenous knowledge will be remembered at a time when he will be missed. My thoughts and condolences are with his family, his extended kin and his friends.

**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) (10.14): It is a privilege to rise today to honour the life of respected Ngunnawal elder Kingswell Carl Brown. In doing so, I acknowledge that we meet today on Ngunnawal land, Uncle Carl's land, with which he had such a strong connection. Uncle Carl is survived by his wife, Louise; his four children, Tina, Justin, Adrian and Nevada; and his seven grandchildren, Justine, Jed, Chloe, Leilani, Kelsea, Johbie and Nyima.

I offer my deepest condolences for their loss and welcome any family and community members joining us here today. Born in Yass at the Hollywood mission, Uncle Carl spent his early years in Yass before moving to Canberra when he was 17. After working in construction for many years, as others have said, the opportunity of a career change came, and he started working with archaeologists around Canberra.

Uncle Carl served his community in many ways, including through the United Ngunnawal Elders Council and through chairing one of the four representative Aboriginal organisations. Through the United Ngunnawal Elders Council, he proudly represented his people and provided vital advice to the ACT government, particularly in relation to Ngunnawal heritage and connection to country.

As chair of the King Brown Tribal Group, Uncle Carl advocated for the protection of sites of social, spiritual, historic and commemorative importance to his people. Uncle Carl was a softly spoken, generous man who had a passion for sharing his knowledge of and pride in the cultural history of his land.

He knew the value and importance of recording and documenting his cultural knowledge for current and future generations. Uncle Carl did this in many ways. One of these was the publication *Understanding the land through the eyes of the Ngunnawal people*. It is a natural resource management program for ACT schools.

Another was his work with the National Museum of Australia for its *Encounters* exhibition, where Uncle Carl recorded oral histories of the area and its people. This work endures in perpetuity. There is no doubt that current and future generations of Canberrans, Australians and anyone interested in the Canberra region's true history will benefit from Uncle Carl's work.

Uncle Carl's legacy is also felt and seen in Canberra's natural world, where his wisdom was shared and advice given on sacred sites. He also represented his people through welcomes to country and would often reflect upon and share a story of his land and people. It was always a privilege to be present when Uncle Carl was delivering a welcome.

In recent times, Uncle Carl passed on the honour of his welcome to country role to his daughter Tina. Now Tina's welcome often incorporates a story that her father passed on to the family. Uncle Carl's spirit and connection to this land are reflected in his own words:

As I walk this beautiful country of mine, I stop, look, listen and remember as the spirits of my ancestors surround me. That makes me stand tall and proud of who I am. I am a Ngunnawal warrior of today, and no man-made laws can take that away from me.

Madam Speaker, Uncle Carl made an immeasurable impact on Canberra and the region. We thank him for sharing his knowledge and culture. His work has made Canberra a better place for his own people and for us all.

*Question resolved in the affirmative, members standing in their places.*

## **Christchurch tragedy**

### **Motion of condolence**

**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) (10.18): I move:

That this Assembly expresses its deep sorrow regarding recent terrorist attacks in Christchurch, New Zealand.

## **Visitors**

**MADAM SPEAKER:** For the benefit of members, I recognise in our presence this morning and welcome Llewellyn Roberts, the Deputy Chief of Mission, New Zealand High Commission, and Air Commodore Ian Mower from the defence advisory group. Welcome, and we share with you your sorrows and your strength.

## **Christchurch tragedy**

### **Motion of condolence**

**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) (10.18): On behalf of all Canberrans, I rise this morning to share this Assembly's deepest sympathies for those affected by last Friday's senseless and brutal acts of violence in Christchurch. Our thoughts are with the Islamic and broader New Zealand community and those across the world who have been impacted by the attack.

I too acknowledge the presence of Llewellyn Roberts, Deputy Chief of Mission for the New Zealand High Commission, and defence adviser Air Commodore Ian Mower in the chamber this morning. I thank you both for attending.

Christchurch is a city of similar size to Canberra. It is a small, tight-knit community in which 50 innocent people—parents, children, friends and neighbours—have had their lives cut brutally short. Many more have been injured. We wish them a full and quick recovery. This morning we acknowledge the efforts of all of the first responders who witnessed the act, who acted quickly to help those in need and who helped those who escaped the violence.

As we express our sorrow, we also express our abhorrence at the views apparently behind this attack. There is no place in our society for such views. The ACT government and Canberrans more broadly stand against extremism, hatred and violence. In fact, both the territory government and people right across our city stand for diversity, for compassion, for inclusion, for tolerance and for acceptance.

At this very difficult time it is important that we come together and support those members of our community, the Australian community, the New Zealand community, and indeed, the global community who have been affected. In this light, we are very proud to see so many community-led events taking place to acknowledge the profound impacts of these attacks. All Canberrans—people of all faiths and people of no faith—are invited to attend these events and continue to demonstrate solidarity for those impacted by these horrific attacks. On behalf of all of my colleagues in the ACT government, I sincerely thank the many community groups who are contributing to these events.

These vigils are a demonstration of our strength as a community and our unwavering focus on ensuring that all people are safe in their homes, safe in their places of worship, safe in their workplaces and safe in the broader community. We stand with our Muslim community members at this time. We stand with all New Zealanders. No two countries in this world are closer than Australia and New Zealand. They are us, and we offer our ongoing support to all.

**MR COE** (Yerrabi—Leader of the Opposition) (10.22): The Canberra Liberals join the government in this display of unity at a time of such tragedy. I too would like to acknowledge the Deputy Chief of Mission and the Air Commodore for being with us today, because Australia and New Zealand have a very special affinity. Whilst there is that friendly rivalry that exists, such rivalry is only possible amongst family. That is why the tragic events of Friday strike a chord with all of us here, despite being thousands of kilometres away.

It is quite possible that Friday will be one of those occasions when we all remember where we were when we heard about the enormity of what happened in Christchurch. It is one of those occasions that sends a shiver down our spine, thinking about the extreme trauma all those defenceless victims must have felt. It is also a reminder that terrorism is not confined to a religion, a country, an ethnicity, or anything else. Terrorism is evil.

The events in Christchurch have had and will continue to have a significant impact on the New Zealand population at large but also, of course, on the Islamic community in New Zealand, and indeed the global Islamic community. That is why there has been such a strong outpouring of grief amongst Canberra's Islamic community in the days that have followed.

I would like to honour Canberra's Muslim community for the solidarity and dignity they have demonstrated over the last few days. It would have been so easy to have responded with hate, but they have responded with love. To Mohammed Ali, who is in the gallery with us today, and all your colleagues in the Muslim community, we admire all that you have done in recent days.

As I mentioned at the Monash mosque last night, the Koran teaches generosity, mercy, forgiveness, love and truth. The mosque in Christchurch, and indeed mosques everywhere, are open to the public. They welcome all. That is what makes this even more tragic: their openness and their willingness to accept strangers into their midst has created such a vulnerability. Their inclusivity has given a way for an evil person to do what they have done. The Koran also teaches Muslims to hold fast in their faith and not be disunited. What we have seen in Canberra, in New Zealand and across the world is Muslims being true to that teaching.

Perhaps unlike any other religion, Islam shares a common language and central pillars of faith and ways in which all Muslims practice this faith, such as Friday prayers. The unity extends to Muslims around the world, being part of an ummah, a community—that is, they are one big family. That is best demonstrated by Muslims referring to each other as brothers and sisters. That is why, when 50 people lose their lives in New Zealand, people in Canberra and right across the world are mourning the loss of brothers and sisters.

The Canberra Liberals stand shoulder to shoulder with the Muslim community, with the New Zealand community, and with all those in times of grief. In the Koran, Surah 62, Ayats 9 and 10 state:

When the call is made for prayer on Friday,  
hurry toward the remembrance of Allah,  
and leave all business.  
That is better for you, should you know.

And when the prayer is finished  
disperse through the land  
and seek Allah's grace,  
and remember Allah greatly  
so that you may be felicitous.

On Friday dozens of people were practising their faith in Christchurch. They were at a time of extreme physical weakness and vulnerability. But they were also at a time of spiritual strength and fortitude. And, in amongst this tragedy, I am sure that is of much comfort to their family and friends.

So whilst empathy and mourning are important, we also must harness this time of unity to ensure that we act in a universal way to do everything we can to eliminate violent extremism in New Zealand, in Australia and everywhere. We must ensure that we are honouring the victims of this attack by doing everything we can to stop it from ever happening again.

That is why we need to do some practical things, such as risk assessments at places of worship and making sure we have all the necessary security arrangements in place. But all that is just treating the symptom. The underlying problem is the hatred and violence of extremism. My call to all Australians but particularly Canberrans is to stand shoulder to shoulder with the Muslim community and to honour the victims by doing whatever we can to make sure this never happens again.

**MR RATTENBURY** (Kurrajong) (10.31): On behalf of the ACT Greens, I rise to express my deepest sympathies and condolences to the people of Christchurch following the abhorrent and hateful attack on two mosques last Friday afternoon. My thoughts are with the victims and their families, friends and communities, as well as with the Christchurch community and all the people of New Zealand.

At this time I want to specifically send support to the Islamic community in Christchurch, as well as to our Muslim brothers and sisters here in Canberra and across the nation. In times of tragedy such as this, we stand with you. We reject hatred and violence in the strongest possible terms.

These barbaric attacks took place at the Al Noor mosque and the Linwood mosque, and the reports are that 50 people are known to have been killed, with dozens more hurt. Many remain in hospital with critical injuries. The ripple effects of this attack continue to spread right around the world as we all try to come to terms with the shock and grief that will be felt for days, weeks and years to come.

Today this Assembly comes together to recognise our common humanity, to strongly condemn violence, Islamophobia and hatred, and to recognise the beauty and strength that comes from a diverse and multicultural society. There is nothing we can say today to take away the pain and grief the victims' families and friends are feeling. Yet it is still important that in times like these we stand in solidarity, that we do not fall silent but, rather, use our voice and our influence to oppose such bigotry, violence and hatred. While we may feel powerless at a time like this, speaking out and showing support is something all members of our community can do, and it is an obligation that falls particularly on politicians and community leaders who have a platform to speak from.

It is also heartening to see the strength of the response from leaders in our local community. The clear and unequivocal message from the people of Canberra and of Australia is that those who spread hatred and division do not represent us and do not speak for us. We are a welcoming, tolerant, accepting and generous community, and we believe our diversity is a source of strength, not division.

I do not wish to speak today about the man who committed these attacks or about those who seek to use it to promote an agenda of fear. However, it is important that we are clear about what has happened. These attacks were an act of terrorism committed by a far-right extremist. Terrorism is not the product of any one religion, ethnicity or group. Terrorism is an ideology of fear that is designed to tear us apart, but it will not succeed. We will not allow the politics of hate to trump our humanity.

In the wake of these tragic events it is important to take a moment and think about the victims, their stories and the lives they lived. Yesterday's *Sydney Morning Herald* provided a beautiful tribute. The article said:

From cheerful toddlers and teenage footballers to distinguished professionals in their twilight years, every one of those killed in the Christchurch mosque massacres was living a life cut cruelly short.

The article went on to describe some of the stories of courage which are now emerging:

Naeem Rashid, aged in his 40s, tried to wrest the gun from the shooter at Al Noor mosque. He is believed to have died in Christchurch Hospital.

His son Talha Naeem, 21, also died in the shooting.

Husna Ahmed, 44, was killed when she returned to the Al Noor mosque to check on her husband Farid, after getting some children to safety. Farid said his wife was a “very courageous and caring” person and a “dedicated wife”.

These are just a few of the many stories of the people whom we now remember and mourn but also take inspiration from. Here in Canberra, despite our commitment to human rights, our strong anti-discrimination laws and our generous and welcoming community, acts of racism and bigotry still occur. I want to reassure the ACT Islamic community that we stand with them at this very difficult time and that they are safe and supported by the broader Canberra community.

This is a time to reflect, to grieve and to think about how we can combat intolerance and hatred in our communities. The answer must be through love and compassion. As New Zealand Prime Minister Jacinda Ardern said, these are dark days, but our communities cannot and will not be defined by this kind of hatred. Our communities represent diversity, kindness and compassion, a welcoming home for all and refuge for those who need it. Those values will not change. Instead they will continue to define us and help us to get through these moments together.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (10.36): I also rise to provide my condolences for those communities in New Zealand, following the terrorist attacks on Friday. As the Minister for Multicultural Affairs, I express my condolences to all those affected by this act of terrorism—families and communities who are grieving at this time. This act of terrorism is very close to home for our Muslim communities here in Canberra as well, and I also offer my ongoing support to our community members who may be experiencing fear as a result of this attack. There is no place in our society for the abhorrent views behind this attack.

As the Chief Minister has noted, the ACT government stands against extremism, hatred and violence. In this city we choose inclusion; we choose a cohesive society which draws on people’s cultural diversity as a source of strength, a mix of people that is essential to enhance the social, economic, cultural and civic life of our city. We welcome people of all faiths and religions and the 2.5 per cent of our residents that identify as Muslim.

Last night I, together with some of my colleagues, visited Gungahlin mosque to stand in solidarity with members of the Muslim community here in Canberra. I understand that some of my other Labor colleagues also took time to visit mosques over the weekend and yesterday to reassure members that, during these terrible events, they are an incredibly valued part of our community. Many members of our Canberra

community have also expressed that through flowers and messages. Tonight I will be joining the Chief Minister at Canberra Nara Peace Park to come together with members of the Canberra community for Christchurch and to support our Muslim community during these dark times.

The Canberra Muslim Community President, Mainul Haque, said to us and to his members of the mosque last night that the national dialogue must change. Let us take time this week, including on Harmony Day on Thursday, to promote peace, inclusion and harmony, to stand with our Muslim community members in Canberra and to stand with all New Zealanders and the New Zealand Muslim communities that have been so badly affected, and support them. As New Zealand Prime Minister Jacinda Ardern said so powerfully, “They are us.”

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.38): As representatives of the people of the ACT, we stand united today in this chamber. A profound sense of grief and a deep sense of shock have impacted so heavily on our community here in Canberra. We in this place carry a heavy responsibility to speak in a way which conveys, from each of our various perspectives in this place, the loss that is felt by the people of the ACT.

On a great many occasions over the past 25 years, my calculation is that several thousand times I have led people of faith who have come together. There have been a great many moods and experiences in those thousands of times, but there have always been constants. They are times of community, of trust, of significance and of peace.

For those who gathered in the mosques in Christchurch last Friday there was, I am sure, a similar sense of community, of trust, of significance and of peace, because the people who gather as part of one of the three Abrahamic faiths have at the very core of their identity a deep understanding that we travel this world with those who are similar to us, as well as those who are different. And that same identity is shared with people of other faiths and people of no particular faith framework. It is the central part of our human condition.

When that identity, that understanding and those expectations are broken, it is truly devastating. The horrific events of last Friday in Christchurch, New Zealand, not only shattered those communities of faith but devastated the people of that city and of that country. Those events have shaken us and have wounded us on this side of the ditch because of the strong and warm bonds that we share.

At a time when so many words are being spoken, the reality is that no words can be sufficient. Our grief is at times most clearly articulated in silence. Our resolve to address individual and collective failures is demonstrated in our ongoing action. To the people of New Zealand, the people of Christchurch, the people of the communities of the Al Noor and Linwood mosques, we convey our deepest condolence and sympathy at this time which is beyond description. To the Islamic communities in Canberra we express our deepest regret for the times that they have been isolated and excluded.

As the Leader of the Opposition has rightly pointed out, it is likely that in years to come we will remember where we were when we heard the unfolding news from Christchurch on 15 March 2019. Possibly more importantly than where we were on that day, however, will be whether we know where we will be in the future as we each respond to the prompt to grieve and also the call to act. Our city is at its strongest when it welcomes, when it includes, when it cares and when it supports. We are dedicated to being a restorative city, one which acknowledges the hurt and restores the relationships so that we can all belong, we can all be valued and we can all participate. This condolence motion provides an additional impetus to be found in the places of action for a stronger and more inclusive community.

**MRS JONES** (Murrumbidgee) (10.43): Last week we woke up to shocking news, and in our grief we come together. I have been pondering for some time the song by the Seekers that means so much to Australians, and I think it is very important that we all focus on these words as we go forward politically in this place:

I am, you are, we are Australian.

This one song has come to mean so much. In the wake of the Christchurch attack I look forward to a time when people of every faith—whatever faith—and no faith are safe and confident in this city and in this country.

This is why I dropped everything on Sunday to go and visit the Gungahlin mosque when I heard of the distress that people were experiencing. I took that message that we are all Australian to the mosque. It was a great opportunity in a way, even through the sadness, to have a chance to come, because I had not had a reason or the ability to visit the mosque before. I found at the mosque some of my great friends that I have known for many years. I did not know who to expect to see there. We are all Canberrans and all Australians.

Our Muslim community has been an entrenched part of our lives for generations and anybody who would try to make an argument that that is not the case is lying. Any form of targeting or talking down people of goodwill who are doing their best to work towards heaven, to face our own human weaknesses and to live for a higher purpose is absolutely wrong, and at every opportunity that I have in this place I will speak against it.

This debate is not the end of this matter. This debate is a moment for a new beginning, a new and a great conversation about how we can help each other. We must ask each other what more we can do. Words are not enough to combat the fears. We should offer concrete actions, and I hope we will come to that later this week. There is so much more to do.

It is normal in many government departments to have higher levels of security. We must offer that to those who feel they need it in our community. We must stand together against this fear and create a situation where our Muslim brothers and sisters know that when they go out into the community they are protected by us, that we would put ourselves in between someone who would hurt them and themselves. That is my pledge to you today, and that is my pledge to the people of Canberra.

We must maintain what is unique about our nation and the nation across the ditch, New Zealand. We must maintain a fair go, mateship and freedom—freedom to go about our business without fear. Today that is what I want us to remember and what I commit myself to in the wake of this horrific attack.

**MS LE COUTEUR** (Murrumbidgee) (10.46): I feel honoured and inspired to actually be here in the Assembly today listening to all of us talking about this horrific event. Mr Coe said we would all remember where we were when we heard about it. I certainly remember where I was. I was actually part of the school students strike. There is an incredible contrast between that moment—it was more than that; those thousands of kids in Canberra doing something for the good of all us; a really positive moment—and that being interrupted by something which I really can only use the word “evil” to describe.

I often, not as often as probably I should in my work here, think about philosophy. What does it mean to be human and what is good and what is evil? I have been thinking about it also in the context of the bill that I will speak to later today, about the royal commission. I think the bottom line is that we are all human, we are all equal and we need to treat each other as brothers and sisters and treat each other with compassion. Very, very few of us seek to harm other people. We need to treat each other with compassion. On that note, there is a New Zealand web page called “Do a little good”, which is seeking funds for people who have been affected by this tragedy, and I would commend that to everyone.

As Mrs Jones and Mr Coe said, the Muslim community is a part of Canberra and has been a part of Canberra and Australia forever. I grew up in Yarralumla and I, as a white Anglo-Saxon, grew up listening to the call to prayer. The Muslim community is part of our community. I might stop at this point.

**MS LAWDER** (Brindabella) (10.49): It is so sad that we have to stand in this place today to talk about this shocking act of violence which has taken the lives of 50 innocent people in Christchurch and injured many more. The shockwaves of this tragedy have rippled out from Christchurch to all of New Zealand and indeed the whole world.

To the Muslim community and the Christchurch community, we are all saying, “As you mourn your loss, so do we.” I hope that, given time, you can hold onto the memories of those lost—their laughter, their joy, their everyday activities, their routines, their triumphs, even their tragedies in their lives, their struggles and their love.

Terrorist acts such as this hate-fuelled violence have no place in our community. To the Muslim community, the Christchurch community and the New Zealand community: know that we stand with you. We stand with you in sorrow, we stand with you in strength and we stand with you against hate, violence and extremism.

I understand that the coming days, weeks, months and even years will be difficult. They will be so hard for the families of the victims—the dead and the injured.

I understand this because my brother was shot over 15 years ago in a mass shooting. I understand that the sorrow, the loss and the fear can continue for quite some time. It affects everyone. The immediate family, the wider family, friends, colleagues, people who share your faith and your church, first responders and the entire community will suffer.

While it leaves me heartbroken that so many more people in Christchurch are going to suffer in this way—they are going to feel the pain, the loss and the mourning—the Muslim community must know that we are united with you. We are your brothers and sisters and we are with you in your hope, your courage, your faith, your love and your future. My condolences.

**MR PARTON** (Brindabella) (10.52): I rise today to express my condolences to all those affected by Friday's terrorist act in Christchurch. My thoughts are with those in New Zealand and with the broader Islamic community in New Zealand, in this country, and indeed right around the world. But I rise today to speak of unity and love. In the last four days I have attended a number of gatherings, ceremonies and events involving our wonderful Islamic community at, among others, Gungahlin mosque and the Canberra Islamic Centre at Monash.

On Friday I was overcome with grief and with anger at this incomprehensible evil. I just could not get my head around it then and I still cannot get my head around it. It is impossible to comprehend that level of intolerance and that level of hate. But on Sunday and last night I was equally overcome by much more positive emotions. It is remarkable that a dastardly act that was supposed to spread hate, a dastardly act that was supposed to divide us, has done the exact opposite. At Gungahlin and at Monash I could not feel any hate. I could feel immense sadness. But overwhelmingly I could feel unity and I could feel courage.

I think my message to the Islamic community here in the ACT would be this: please, do not be afraid. We are standing with you. We all share some of your pain. Find courage in the unity of your community, find courage in your faith and find courage in how much closer this horrible event has brought us. We must stand even closer together from here on.

*Question resolved in the affirmative, members standing in their places.*

**MADAM SPEAKER:** With indulgence, to our representatives from New Zealand and Mohammed Ali, you have heard our hearts and prayers. Our strength and resolve are with you all. Thank you.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Restoration of the tree canopy—petition 1-19**

*By Ms Le Couteur, from 988 residents:*

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

The following residents of the ACT draw to the attention of the Assembly that street and park trees in our established suburbs are declining by around 3,000 a year because the ACT Government's replanting program is inadequate.

Worse, the last report on this issue, from 7 years ago, showed that our streets and parks need 40,000 trees to fill gaps where trees are missing and to replace dead and dying trees.

Canberra's urban trees are loved by the Canberra community. They provide shade to keep our suburbs cool in summer and are important for native birds and animals.

Trees will be even more important in future as our climate gets hotter. Planting trees now is an investment in the future of our city.

Your petitioners, therefore, request the Assembly to request the ACT Government to plant an extra 7,000 trees a year to reverse the decline, and begin restoring the city's tree canopy.

*Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Environment, Transport and City Services.*

**Restoration of the tree canopy—petition 7-19**

*By Ms Le Couteur, from 494 residents:*

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

This petition of certain residents of the Australian Capital Territory to the attention of the Assembly that:

Street and park trees in our established suburbs are declining by around 3,000 a year because the ACT Government's replanting program is inadequate.

Worse, the last report on this issue, from 7 years ago, showed that our streets and parks need 40,000 trees to fill gaps where trees are missing and to replace dead and dying trees. Canberra's urban trees are loved by the Canberra community. They provide shade to keep our suburbs cool in summer and are important for native birds and animals. Trees will be even more important in future as our climate gets hotter. Planting trees now is an investment in the future of our city.

Your petitioners therefore request the Assembly to:  
Request the ACT Government to plant an extra 7,000 trees a year to reverse the decline, and begin restoring the city's tree canopy.

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

## **Petitions—ministerial response**

The following response to petitions has been lodged:

### **Music H course funding—petitions 18-18 and 24-18**

By **Mr Ramsay**, Minister for the Arts and Cultural Events, dated 27 February 2019, in response to two petitions lodged by Ms Le Couteur in similar terms on 29 November 2018 concerning the ANU School of Music H course.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 29 November 2018 regarding petition numbers 18-18 and 24-18 lodged by Ms Caroline Le Couteur MLA and received by the ACT Legislative Assembly on 29 November 2018.

The petitioners have requested the ACT Government commit to restoring funding of \$270,000 for the H course music.

In accordance with Standing Order 100, I provide you with the following response to the petition for presentation to the Assembly.

I would firstly like to clarify that the music program funded by the government is known as the Music for Colleges program. It is not funded as the H course music. The intention of Music for Colleges program is to develop the artistic skills of the participants rather than any focus on education qualifications or university credits. It is therefore difficult to compare to the H courses offered in other disciplines through the ANU College Extension Program.

The decision to transition the Music for College from government arts funding by the end of 2019 was made public in February 2018. The decision was part of a strategy to refocus the programs that the Australian National University (ANU) provides under the Community Outreach Program for both the School of Music and the School of Art and Design. The government commenced these discussions with the ANU on the new Community Outreach Program in December 2016.

These changes are designed to shift direct support for students in the school environment, to supporting a broader cross section of the community to access government funded music programs. Hence the important change in language and focus to arts development rather than education outcomes.

ACT Education provides \$120,000 per year to the ANU for an Extension program for year 11 and 12 students in ACT schools and colleges. ANU Extension students can enrol in an ANU academic award programs and be able to undertake courses in sciences, engineering, mathematics and Asian languages.

In addition to these programs, the government provides funding to ANU associated with research projects, learning and development programs, infrastructure, scholarships, research grants and jointly supported faculties.

This significant funding and support to the ANU highlights the government's commitment to arts and education, and our ongoing important partnerships with the ANU.

Thank you for bringing this petition to the attention of the ACT Government.

### **Motion to take note of petitions**

**MADAM SPEAKER:** Pursuant to standing order 98A, I move:

That the petitions and response so lodged be noted.

**MS LE COUTEUR** (Murrumbidgee) (10.56): I was very pleased to sponsor petitions on behalf of almost 1,500 Canberra residents about trees. The petitions raise concerns that street and park trees in our established suburbs are declining by about 3,000 a year because the ACT government's replanting program is simply inadequate. The last report on this issue from seven years ago showed that our streets and parks needed 40,000 trees to fill the gaps and replace dying trees. The petitioners want the ACT government to plant an extra 7,000 street trees and park trees a year to reverse this decline and begin restoring the city's tree canopy.

The petitions have been supported by a really broad set of Canberra residents and a broad set of community groups. When I was looking through the paper petitions when they came to my office for tabling, I saw signatures from every part of Canberra: Tuggeranong, Belconnen, Woden Valley, Gungahlin, the inner north, the inner south—everywhere. I also know that it was circulated by a wide range of groups. It was passed around through the email lists of residents groups, it was passed around through quite a variety of people on Facebook and it was passed around at a number of meetings. One friend doorknocked her entire street and only had one person who did not sign, which I thought was very wonderful. Several environment groups put it in their newsletter. It was in the newsletter of the ACT chapter of the Australian Institute of Landscape Architects, and many individuals circulated it in a smaller way off their own bat.

Why are there so many people concerned about this? We know why. We are the bush capital. The government, a couple of years ago, did a survey as to what we wanted to have on our numberplates. We wanted to be called—because we have been and we want to continue to be—the bush capital. Given that we are the bush capital, people know that the older trees are under threat due to climate change, old age and redevelopment. They see quite clearly that action is required to stop the decline before it accelerates.

Secondly, people know how important trees are for keeping the city cool in the summer. For example, the difference between footpaths in the sun and in the shade can be well over 12 degrees. This benefit of trees is going to be even more important in the future as our climate gets hotter. Thirdly, people see trees as an important part of the character of our city. Right from the beginning, Canberra was planted as a garden city, with street trees, large tree-filled public parks and hills and ridges protected for nature. That is how we came to be our bush capital. The decline in our street trees and park trees is undermining our heritage.

Fourthly, there are the biodiversity benefits of our street and park trees. These trees in our urban areas are important as food sources and connecting links for our native birds and for insects et cetera. Fifthly, of course, trees are a carbon sink. They are a natural way of removing CO<sub>2</sub> from the atmosphere, and God knows we need to do that, given what is happening to the rest of the world. I know that the government is supportive of more trees—I have no doubt whatsoever about that—but I urge the government to be more supportive, to take on board the concerns of these Canberrans by planting 7,000 more street and park trees, or preferably even more, every year.

Planting these trees is an investment in the future of our city. It is important from a climate change point of view, as I said. It is important to protect our city's character and our heritage. It is also important because it is something that the people of Canberra want to have happen. No-one talked to me about whether or not we should plant trees. We did have some long discussions about the species of trees, and that is because we, the people of Canberra, love our trees and would love to see them flourish and prosper in Canberra.

Question resolved in the affirmative.

## **Reflection on the chair**

### **Statement by Speaker**

**MADAM SPEAKER:** I wish to make a statement about the conduct of Mrs Kikkert since she was suspended from the Assembly in the last sitting, on Thursday, 21 February 2019. Members will recall that Mrs Kikkert made some remarks in the adjournment debate on Wednesday, 20 February that I considered implied that I had not given Mrs Kikkert a fair hearing, so the following day I asked Mrs Kikkert to withdraw any reflection on the chair. She has yet to withdraw that reflection, although it has been put to me that after I named Mrs Kikkert there was in the proof *Hansard*, in a statement made by Mrs Kikkert, a withdrawal.

I remind members that *House of Representatives Practice*, to which we are linked through standing order 275, states that when being asked to undertake a certain action by the chair, “a member may not do so ‘in deference to the chair’, but must do so “in a respectful manner, unreservedly and without conditions or qualifications”.

My attention has been drawn to a social media post from Mrs Kikkert which stated:

Tried to get a fair hearing in the Assembly.

And got booted. Oh well, at least I didn't have to listen to them dancing around the answers during question time.

As set out at page 74 of the companion to the standing orders, it is not in order to criticise or reflect on the actions of the chair; the Speaker's actions can only be criticised by way of a substantive motion. That section of the companion outlines several precedents where the Speaker has considered an accusation of partiality in the discharge of their duties, both inside and outside the chamber, and has asked that that reflection be withdrawn.

Having considered Mrs Kikkert's social media post, I am of the view that that implies I did not give Mrs Kikkert a fair hearing. Mrs Kikkert returns at 11.12, when she finishes her suspension. I consider that both of these remarks reflect on the impartiality of the chair and I will be asking Mrs Kikkert to withdraw both reflections. I would have made that statement first up this morning, but out of respect for the condolence motions I have chosen to make it now.

## **Justice and Community Safety—Standing Committee Scrutiny report 28**

**MRS JONES** (Murrumbidgee) (11.04): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 28, dated 12 March 2019, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report 28 contains the committee's comments on three bills, four pieces of subordinate legislation, five government responses, one national regulation and proposed amendments to the Electoral Amendment Bill 2018 and the Controlled Sports Bill 2018. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Education, Employment and Youth Affairs—Standing Committee Report 4**

**MR PETTERSSON** (Yerrabi) (11.05): I present the following report:

Education, Employment and Youth Affairs—Standing Committee—Report 4—*Report on Annual and Financial Reports 2017-2018*, dated March 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I thank the committee secretariat, both Nicola and Kate. They have been wonderful. I also thank my fellow committee members, Mrs Kikkert and Ms Lee. They are a delight to work with.

In particular, I would like to highlight a few recommendations: recommendation 13, regarding ATSI student retention rates; recommendation 14, regarding cultural awareness training in our schools; recommendation 21, regarding school safety; recommendation 25, regarding policies on suspensions, transfers and expulsions; and, last but not least, recommendation 31, regarding our school ovals.

Question resolved in the affirmative.

## **Health, Ageing and Community Services—Standing Committee Report 6**

**MS CODY** (Murrumbidgee) (11.06): I present the following report:

Health, Ageing and Community Services—Standing Committee—Report 6—*Report on Annual and Financial Reports 2017-2018*, dated March 2019, 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 sixth report for the Ninth Assembly. On 25 October 2018 the Assembly referred annual reports from the Community Services Directorate and the Health Directorate to the committee.

The committee held two public hearings and heard from 36 witnesses from the relevant directorates and agencies. Forty-seven questions on notice were taken during the hearings and 104 questions were placed on notice after the hearings. Answers to these questions are available on the committee's web page. The committee made 20 recommendations in total.

On behalf of the committee, I thank the ACT government ministers as well as directorate and agency officials for their contribution to this inquiry. I also thank the other committee members, Mrs Dunne and Ms Le Couteur, and the secretary, Josephine, for their hard work and collaborative approach. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Planning and Urban Renewal—Standing Committee Report 8**

**MS LE COUTEUR** (Murrumbidgee) (11.07): I present the following report:

Planning and Urban Renewal—Standing Committee—Report 8—*Report on Annual and Financial Reports 2017-2018*, dated 6 March 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the eighth report in the Ninth Assembly of the Standing Committee on Planning and Urban Renewal. We looked at sections of the annual reports of—as life

has got a bit complicated directorate-wise—the Chief Minister, Treasury and Economic Development Directorate; the Environment, Planning and Sustainable Development Directorate; the City Renewal Authority; and the Suburban Land Agency.

We had one public hearing and heard from many witnesses. Fourteen questions were taken on notice. I thank all my fellow committee members and, in particular, our committee secretary, Annemieke, and the agency officials who appeared. We made 13 recommendations. I will not read them all out, but I will summarise them, insofar as the majority of the recommendations could be boiled down to being about one thing: much better community consultation in the planning sphere.

First, the recommendations talk about telling a particular part of the community, the community housing sector, about the selection criteria they will need. The next point is that the government must do something about urgent issues raised by stakeholders and then update this. It goes all the way through to the need in the planning sphere, in particular, for much better communication between the government and the community, and communication that is effective and two way. There is a difference between consultation and information provision, and sometimes that is not always made clear. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee Report 5**

**MRS DUNNE** (Ginninderra) (11.10): I present the following report:

*Public Accounts—Standing Committee—Report 5—Report on Annual and Financial Reports 2017-2018*, dated 19 March 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I take this opportunity to speak about the report of the Standing Committee on Public Accounts into the annual and financial reports of 2017-18. In total, the committee made 12 recommendations. Three of these recommendations concern rates deferrals. As members would know, the issue of rates is one that continues to cause much anxiety among some sections of the community. The committee believes that some of this anxiety may be relieved through simple measures to ensure that ratepayers in financial stress know how they can request a deferral of their rates repayments.

The committee recommends that the government provide better information on rates deferrals, including clear statements on the revenue office's website and on all rates notices on the criteria for deferrals. It also recommends better staff training for front-line directorate staff in providing the public with guidance on rates deferrals.

Also related to the rates issue, the committee sees a serious need for the government to conduct modelling on the impact of economic downturn on property values and how this could have a disproportionate impact on some property owners. The committee heard from the Under Treasurer that the government sets rating factors in order to meet predetermined revenue targets. At the same time, the committee was also told that the government has not conducted any modelling to forecast the impact of an economic downturn on property values and how this could affect some property owners more than others when it comes time to pay their rates. Recommendation 4 asks the government to consider this issue.

From representatives of Icon Water the committee heard contrasting and contradictory information on the cost of maintaining the Murrumbidgee to Googong pipeline in its various operational modes. As this is a major piece of territory water management infrastructure that is costly to maintain and was costly to build in the first place, the committee feels that it is in the public interest that clear information on the pipeline's operating modes and their associated cost be provided by Icon Water. Recommendation 6 requests that this information be provided.

Recommendations 7 to 12 relate to workforce capability and governance, the lifetime care and support fund of the Ombudsman's office, and the Office of the Legislative Assembly. These recommendations seek to improve (1) workplace satisfaction for government employees, (2) government transparency and operational efficiency, and (3) the design and function of the Legislative Assembly building.

I thank all government representatives and other representatives such as those from Icon Water and the Ombudsman who appeared before the committee and provided information in response to the committee's questions. I also thank my fellow committee members, Ms Cheyne, Ms Cody and Ms Lawder, for their contributions to the public hearings and the report process. I particularly thank the committee secretary, Dr Lloyd, and his assistant, Mr Leary, for the compilation of this report; and my colleagues for the collaborative way in which we dealt with this matter. I commend the report to the Assembly.

Question resolved in the affirmative.

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

**MS J BURCH** (Brindabella) (11.14): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure relating to a recommendation of the committee's recent review of standing orders.

Recommendation 12 of the report, which was tabled last year, proposed that the Aboriginal and Torres Strait Islander Elected Body be consulted about reticulating its proceedings in the Assembly building, and that legal advice be sought by the Office of the Legislative Assembly on the potential legal ramifications that might arise, were the body's proceedings to be reticulated.

The Clerk of the Assembly sought advice from the Solicitor-General on the matter, and the committee considered that advice at its meeting on 7 February this year. In essence the advice noted that, while broadcasts of the Assembly proceedings are protected by virtue of the Legislative Assembly (Broadcasting) Act 2001, proceedings of the elected body's public proceedings are not. This means that those persons responsible for the transmission or broadcast of the elected body's public proceedings are not protected by the privilege afforded by section 9 of the Legislative Assembly (Broadcasting) Act. The advice noted that the OLA staff responsible for the broadcast would be legally liable for, for example, any defamatory comments that were published, subject to the usual defences.

In light of this advice, the committee is of the view that the broadcast of the Aboriginal and Torres Strait Islander Elected Body proceedings is not viable. The committee has written to the Minister for Aboriginal and Torres Strait Islander Affairs to inform her of that view.

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

### **Statement by chair**

**MS CODY** (Murrumbidgee) (11.16): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services relating to petition No 7-18 concerning eating disorder healthcare services in the ACT.

On 31 July 2018 the Assembly received petition No 7-18, lodged by Mr Pettersson MLA. As the petition contained over 500 signatures, pursuant to standing order 99A the petition was referred to the committee for consideration.

The committee notes that the Minister for Mental Health responded to the petition, under standing order 100, on 25 October 2018. In his response, the minister provided the ACT eating disorders position statement, which sets out a clear ACT government commitment to develop services for the treatment and management of eating disorders. It describes a number of short-term initiatives underway, as well as longer projects that could be pursued, depending on future budgets and more detailed work.

On 5 February 2019 the committee met with the Minister for Mental Health and government officials. The minister briefed the committee on the future direction of services provided to people with eating disorders in the ACT. The committee discussed the composition of eating disorders in the ACT, including age, cultural background and gender; the community-based initiatives that provide services to people with eating disorders in the ACT; the measures used to determine eating disorders; and identification of key groups at risk of developing an eating disorder.

The committee notes that the availability of information and training to a number of community, education and health services is essential in ensuring that people with eating disorders are supported. In light of the minister's response to the petition and the information provided in the briefing, the committee has decided that it will not

inquire further into the matters raised in petition No 7-18 on eating disorder healthcare services in the ACT. However, the committee has written to the minister requesting that the minister and government officials provide continued progress reports in future annual and financial reports.

## **Justice and Community Safety—Standing Committee Statement by chair**

**MRS JONES** (Murrumbidgee) (11.18): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety relating to statutory appointments in accordance with continuing resolution 5A. Continuing resolution 5A requires standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period. The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided.

For the applicable reporting period, 1 July 2018 to 31 December 2018, the committee considered a total of 10 appointments to five statutory bodies. In those cases, the committee advised the responsible minister that it had no comment to make on the appointments proposed.

The committee does highlight that it dealt with several items of advice in relation to a number of appointments where the standard information required by committees in assessing and advising the executive on appointments was not provided in initial advice to the committee. This led to the committee reminding the minister on several occasions that the committee requires that information to properly discharge its responsibilities. I present the following paper:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—9<sup>th</sup> Assembly—Period 1 July to 31 December 2018.

## **ACT Aboriginal and Torres Strait Islander agreement 2019-2028 Ministerial statement**

**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) (11.20): I am pleased to present the Assembly with the ACT Aboriginal and Torres Strait Islander agreement 2019-2028 and its 10 focus area action plans. I present the following documents:

ACT Aboriginal and Torres Strait Islander Agreement 2019-2028—  
Ministerial Statement, 19 March 2019.  
Agreement 2019-2028, dated 19 March 2019.  
Focus Area Action Plans, dated 19 March 2019.

The new agreement was signed on 26 February 2019 by Ms Katrina Fanning, Chair of the Aboriginal and Torres Strait Islander Elected Body; the Chief Minister; the Head of Service; and me, as Minister for Aboriginal and Torres Strait Islander Affairs.

The elected body drove this agreement. In speaking at the signing event, Ms Fanning said, "It commits to action solutions that are by us and for us." I can assure members that the elected body was very clear with the government that the agreement would not be signed until every ACT government directorate had developed a meaningful action plan addressing all 10 focus areas.

On 2 March there was a community launch of the agreement and its focus area action plans at Namadgi School, an opportunity for Aboriginal and Torres Strait Islander Canberrans to find out more about what is in it for them. The community launch was an initiative of the elected body, and it was great to see so many members of the Aboriginal and Torres Strait Islander community coming along to learn more about the new agreement and to hear directly from the elected body and government officials about the actions we are committed to against its focus areas.

Highlights of the event included Grace Orbst's powerful song about the stolen generations. Grace is a young woman from Lyneham High School; her lyrics and performance captivated everyone, a great example of the power of truth telling. I have no doubt we will be seeing a lot more of Grace in the future.

The government's child and family centres put together a fantastic program of entertainment for the kids, while parents and carers inspected the showcase and spoke with officials. Kids loved ACT parks and conservation's giant gang-gang cockatoo, the rare frog and the rather large snake, not to mention the fire truck and Transport Canberra bus, both wrapped in Indigenous art. I must also thank the fantastic Winnunga Warriors Aboriginal and Torres Strait Islander sports club, which kept everyone fed throughout the day.

This event was a demonstration of the elected body's commitment to ensuring that the new agreement is a practical document that delivers real outcomes for the community. While self-determination was the underlying principle of the 2015-18 agreement, it is at the very core of the new agreement and sits alongside the theme of strong families.

We have heard loud and clear that it is time for governments to move beyond consultation to co-design and co-production. Aboriginal and Torres Strait Islander people must be in the driver's seat, to use Ms Fanning's phrase, when making decisions about their community. This agreement sets us on a course to deliver that.

This agreement sets the long-term direction in Aboriginal and Torres Strait Islander affairs in the ACT, outlining our joint priorities to enable equitable outcomes for Aboriginal and Torres Strait Islander peoples in the ACT. As we build on the work of the previous three-year agreement, the extended 10-year life of the new agreement will provide an opportunity to drive long-term positive change. As Ms Fanning said at the signing of the agreement, this document spans a number of election cycles for the elected body and for the Legislative Assembly. While the action plans will change

and be refreshed, the overarching commitment to self-determination and equitable outcomes will endure.

In line with the principles of self-determination, consultation with the Aboriginal and Torres Strait Islander community to develop the new agreement was driven by the elected body, with support from the office for Aboriginal and Torres Strait Islander affairs. Ms Fanning has noted that Aboriginal and Torres Strait Islander people are some of the most over-consulted people in the country. The elected body was committed to recognising this in its conversations with the community and gave detailed consideration to previous consultations over the last decade, to identify longstanding and priority issues as a starting point for engagement on the agreement.

Community conversations commenced in March 2018 and included a range of public and well publicised forums, including the opportunity to contribute through an online survey, from May to July, via the your say website. The elected body and office for Aboriginal and Torres Strait Islander affairs held consultation validation sessions during the Aboriginal and Torres Strait Islander art fair at AIATSIS in December last year. These sessions confirmed that the core priorities and draft agreement reflected the broad community's priorities. The clear view from the consultation was that family is the foundation for a healthy, independent and culturally rich community. Strong family and community connection is at the heart of success in all other facets of life.

The new agreement includes 10 focus areas. The four core focus areas are: children and young people; community leadership; cultural integrity; and inclusive community. The six significant focus areas are: lifelong learning; justice; economic participation; health and wellbeing; housing; and connecting the community.

Action plans have been developed against each of the focus areas. These include high-level targets, both national closing the gap targets and local targets developed by the elected body. The establishment of targets will enable the ACT government and, most importantly, the community to track our progress. They will form the basis for the outcome's framework, which will include strategic indicators to guide reporting to the Aboriginal and Torres Strait Islander subcommittee of the ACT strategic board. Progress will be publicly reported via an annual statement by the Minister for Aboriginal and Torres Strait Islander Affairs.

The action plans, as the name suggests, include a series of priority actions which deliver on the aims of the focus area. These initiatives came about through direct consultation with the Aboriginal and Torres Strait Islander community and through the day-to-day work of the elected body and its members' deep connections to the community. While the agreement will endure over 10 years, the action plans will be refreshed by each new elected body. This will allow future elected bodies and governments to refine targets and establish new priority actions as circumstances change.

As I noted earlier, the elected body made it very clear to the government that this agreement would not be signed unless the action plans were developed and contained meaningful initiatives that would result in tangible change for the community.

Ms Fanning worked closely with directors-general across government in developing these plans, and I have no doubt that she and the rest of the elected body will continue to hold us to account. There are dozens of actions outlined in the focus area action plans, and some of these will involve a number of policy changes and new or improved programs. I do not have time to talk about them all today, but I wish to highlight a few.

As I have said, strong families continues to be the overarching theme of the agreement and it is therefore not surprising that one of its core focus areas is children and young people. I have spoken extensively about the government's commitment to addressing the unacceptable over-representation of Aboriginal and Torres Strait Islander children and young people in out of home care and improving life outcomes for Indigenous children.

There are early signs that changes made over the last few years are having a positive impact on reducing the number of children coming into care, but we know there is more to do. That is why the first action in the focus area action plan is:

Continue to support the *Our Booris, Our Way* review of the experiences of Aboriginal and Torres Strait Islander children and families in the ACT child protection system, and implement initiatives that address the *Our Booris, Our Way* review recommendations.

It is why improving life outcomes for Aboriginal and Torres Strait Islander children and families is a key priority for all four human services directorates, including through the early support by design initiative. It is why the Education Directorate is so committed to cultural integrity, as reflected in a range of actions across focus areas—actions such as providing pathways for Aboriginal and Torres Strait Islander children to access universal quality early childhood education for three-year-old children as a key part of the ACT Early Childhood Strategy and creating dedicated learning environments in schools and education institutions where Aboriginal and Torres Strait Islander culture is nurtured, celebrated and shared with the broader community.

A range of actions under the economic participation focus area reflect the strengths-based approach the elected body has taken to the agreement. Among other things, the government has committed to implement the Aboriginal and Torres Strait Islander procurement policy and to link Aboriginal and Torres Strait Islander businesses and entrepreneurs to programs and activities that support existing and new businesses.

Consultations on the draft Aboriginal and Torres Strait Islander procurement policy recently closed, and I am looking forward to finalising the policy, as Minister for Government Services and Procurement, within the next few months. I have welcomed the engagement in the consultation process by both Aboriginal community controlled organisations and businesses.

In addition, applications recently closed for the new and emerging organisation support program to support new Aboriginal and Torres Strait Islander controlled organisations in the ACT. Over the last few years, we have seen new grassroots

community organisations emerging, but we know that these organisations need support to build capacity if they are going to be viable in the longer term.

A priority action in the health and wellbeing focus area is to collaborate with Aboriginal and Torres Strait Islander services and other stakeholders to determine specialist AOD—alcohol and other drug—implementation priorities, including residential rehabilitation for Aboriginal and Torres Strait Islander people. We know this is a critical action and one that the community will be watching closely. I also note that this action was in fact committed to in the ACT drug strategy action plan, released in December 2018. I acknowledge Minister Fitzharris’s ongoing work in this area.

Madam Assistant Speaker, there is no better example of this government’s commitment to self-determination than a treaty. I am pleased to say that a priority action within the cultural integrity core focus area reads:

Work with traditional owners to hear their thoughts on Treaty and support a joint understanding of the opportunity for and implications of a Treaty process for the ACT.

The government has been closely following treaty processes in Victoria and the Northern Territory, and South Australia prior to the change of government. Last year I had initial discussions with the United Ngunnawal Elders Council and the elected body on a treaty for the ACT. I am looking forward to this work continuing with UNEC and the elected body this year. Should the traditional custodians of this land choose to start a treaty process, we know it will be long and complex. But we are up for that challenge. It hangs over every Australian that we are now the only nation to be colonised by the British that does not have a treaty or treaty-like process with its Indigenous peoples.

The agreement’s action plans deliver real community benefits at the grassroots level. Boomanulla Oval is a treasured meeting place for the local Aboriginal and Torres Strait Islander community as well as an important sports facility. In the past, the oval was host to everything from major sporting competitions to community and family events. Working with the elected body, the government has already delivered significant improvements to Boomanulla Oval. These include upgrading the main building to provide a multipurpose function room; enhancing the community areas at the rear of the main building; pruning trees, restoring gardens and fixing retaining walls; restoring the garden of achievement; fixing the perimeter fencing where necessary to make the site secure; and creating and restoring artworks to enhance the overall appearance of the site.

The next stage of restoration work is repairing the playing surface, with new turf laid in February and March. This means the oval should be fully restored in time for winter sport, including the return of the men’s and women’s rugby league teams. I acknowledge the work Ms Fanning has done to get to this point, along with Minister Berry and the team at sport and recreation.

As the restoration works near completion, the future management and governance of Boomanulla become a priority. In recognition of the importance of self-determination and community control, the new agreement includes a priority action to work to enhance Boomanulla Oval for use as a sporting facility and to transition to be under the management of the Aboriginal and Torres Strait Islander community.

Madam Assistant Speaker, the new agreement provides coordinated strategic direction for ACT government directorates and service partners. It identifies relationship principles that aim to further strengthen connections between the Aboriginal and Torres Strait Islander community, service partners and the ACT government. Ms Fanning summed up why this is so important in a moving speech at the signing ceremony. I think it is appropriate that some of her words, at least, are recorded in *Hansard*. She said:

Make no mistake, for us this is personal.

Keeping kids safe at home and within family supports is vital.

Providing an education where our individual needs are met and building aspirations are supported.

Providing health services that see us as whole people and that make us feel safe.

Being more likely to be employed than incarcerated.

To have places to gather, to play, perform and connect to—build us all up.

To own and operate our own businesses for true wealth creation is what can drive us.

We have the goal, not of a community that survives, but one that thrives.

When can we promise this? When Aboriginal and Torres Strait Islander kids can see their community as the service providers, role models and leaders, they will also dream themselves into these roles.

With those words, I conclude by thanking the Aboriginal and Torres Strait Islander Elected Body for its work in developing the new agreement and for each member's ongoing commitment to the ACT Aboriginal and Torres Strait Islander community. The elected body will continue to keep the government accountable through the hearings process, with the 2019 round taking place next week, on 28 and 29 March. I am sure that all of us in this place appreciate the role of the elected body as the only elected voice to parliament in the country. I look forward to continuing to work with the elected body and the wider Aboriginal and Torres Strait Islander community as we implement the new agreement.

I move:

That the Assembly take note of the papers.

Question resolved in the affirmative.

## **Reflection on the chair Statement by Speaker**

**MADAM ASSISTANT SPEAKER** (Ms Lee): The Speaker earlier made a statement in relation to two reflections made by Mrs Kikkert and asked that Mrs Kikkert withdraw both reflections. Mrs Kikkert, you have the floor.

**MRS KIKKERT** (Ginninderra) (11 35): I withdraw.

**MADAM ASSISTANT SPEAKER**: Thank you, Mrs Kikkert.

## **International Women's Day 2019 Ministerial statement**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.36): Once again, I welcome the opportunity to mark International Women's Day by providing a statement to the Assembly on the status of women and girls in the ACT. Over recent years, considerable progress has been made in advancing the status of women and girls internationally, nationally and in the ACT. When compared nationally, the ACT currently has one of the largest percentages of women holding positions on government boards and committees, at 48 per cent. The ACT Legislative Assembly now has 13 of 25 representatives who are women, making us one of the only jurisdictions with more women representatives than men. Our female workforce participation rate is amongst the highest in the world at 66.6 per cent.

These achievements are the result of the focused and sustained efforts of individual women, the women's sector, the broader community and this government. The ACT is a community where women have greater and more equal opportunities. Without the progress that we have achieved over many years of continual hard work, there is a very good chance that I would not be speaking with you about this today. But we acknowledge that there is still work to do.

While women have the same legal rights as men and are equally capable of participating in education and the workforce, in practice women continue to face many barriers. Ongoing gender stereotypes have far-reaching impacts on women. Women continue to have the majority of domestic and caring duties, and this impacts on their workforce participation with representation in part-time and casual work. This in turn impacts on their economic security and housing stability throughout their lives, including in retirement, which we know is a critical issue for so many. There are increasing rates of anxiety and depression, particularly in young women. Far too many women continue to fall victim to violence in our community, whether it is walking in their neighbourhoods or within their own homes.

The theme of this year's International Women's Day, balance for better, highlights the improvements for individuals and society that can be achieved through improved

gender equality. It urges us to better the balance, to better the world. We know there is a lot of work to be done before we achieve balance, but it is important to acknowledge the great work already taking place across our community.

I take this opportunity to thank the individuals and organisations, including many in our own government, who are working tirelessly to make a real difference to the lives of women and girls. The ACT government has committed to driving real change for women and girls through the ACT women's plan 2016-26, which I launched and tabled here in August 2016. The first action plan commits to improving gender equality through 100 actions over the first two years of activity. We will spend the next few months looking at how we have progressed, with a report scheduled to be released soon afterwards.

I can report that through this plan and across government more broadly we have had a number of great wins this year. In December last year I presented ACT violence prevention awards to two ACT schools, Lyneham High School and Amaroo School, in acknowledgement of the great work they are doing to educate their students about gender equality and domestic and family violence and to change their attitudes and behaviours towards women.

The ACT public service is leading by example and working to support organisations to foster gender equity in Canberra workplaces through the development of an e-learning module to support improved understanding and practices in relation to gender equality in the workplace. This module will be completed later this year and will be made available to ACT public service staff and the business and community sectors. It will also be supported by a range of practical resources.

The recently negotiated ACT public sector enterprise agreement now enhances the range of flexible working options to increase women's capacity to balance their work and family responsibilities. We are supporting those who are the subject of family violence with access to additional leave. The ACT diversity register launched in June last year will continue to drive more diverse appointments to leadership positions across the ACT government, private and community boards and committees. The register also links women with a range of leadership programs offered by the ACT office for women and other local organisations.

Through the Audrey Fagan program, women have gained knowledge and expertise to build their leadership careers through the board directorship program delivered by the Australian Institute of Company Directors. Through the new traineeship program, women are offered training, mentoring and the practical experience of attending board meetings. In 2018 we again provided grants to assist aspiring young women to reach their full potential through the young women's Audrey Fagan enrichment grants. This program supported young ambitious musicians and pilots, supported training opportunities in animal studies and the dramatic arts, and supported a young Aboriginal woman to develop a student-led weaving and leadership skills group.

This year, 21 paired mentors and mentees participated in a new women's mentoring program in the ACT public service. Scholarships were provided to the YWCA She

Leads Diploma of Leadership and Management, aimed at women from Aboriginal and Torres Strait Islander backgrounds and women with disability.

The hard work in creating more diversity and balance on boards and committees is paying off. As of November 2018, 48 per cent of positions on ACT government boards and committees were held by women, which represents a three per cent increase on the 45 per cent achieved in October 2017. This is testament to the continued commitment of many people across the ACT government and the Canberra community to make progress in this important area.

The return to work grants continued to make a difference this year, supporting women who have been out of the paid workforce to re-enter by providing individual grants of up to \$1,000. Practical training and coaching was provided for women through the SPARK women's return to work program. In 2018 this program was offered to local women across the ACT, with workshops held in Canberra's north and south.

The ACT government are encouraging and supporting more women to undertake roles in traditionally male-dominated areas, such as driving buses and working in our parks, through come and try days and open days. Work continues towards the fifty-fifty recruitment target in ACT Fire & Rescue, with a current rate of 22 per cent women as at 2018.

This year women represented 40 per cent of applicants for custodial positions in ACT Corrective Services, an increase of 10 per cent on last year and 18 per cent since 2014. The State Emergency Services chief officer and general manager of custodial operations roles are currently being undertaken by women. The government is also supporting women in traditionally male-dominated jobs across ACT businesses, with over \$200,000 provided through the women in trades grants program, and with a further \$600,000 announced in November 2018.

This government is also continuing to improve women's participation in sport by supporting the presence of elite female teams in Canberra through elite funding agreements. This support has ensured that elite domestic female sport is regularly played in the ACT, showcasing the abilities of female athletes and ensuring that elite role models are available in the community. A women in sport forum was held in August 2018 featuring a range of high profile female athletes and administrators to discuss future issues for the continued development of women in sport.

This is on top of the work undertaken with local triennially funded sporting organisations to boost female leadership on their boards to 40 per cent by 2020. This work continues and the government remains positive about the change that this shifting dynamic will have on many aspects of the sporting arena, including respectful relationships and participation for growth for women.

Of course, it is essential that people feel safe and are safe in their homes and in their community. It is so important that everyone is able to participate fully in the way they want to and to access the services they need as they go about their lives. In 2018 the ACT government continued to conduct women's safety audits at ACT government events and promote the use of the audit tool more broadly in the ACT.

Safety audits were undertaken at a number of major events across the ACT, including this year's Summernats, the National Multicultural Festival, Enlighten and Floriade. As long as I am Minister for Women, I will keep ensuring that engagement with privately run events like the Summernats is carried out each year to make sure that they are safer and more enjoyable for women and girls.

The ACT government this year also continued its efforts to improve responses and support for women and children impacted by domestic and family and intimate partner violence. The family safety hub was officially launched in May 2018 and has already started its work, which is to facilitate the development of new and innovative solutions aimed at addressing the needs of individuals impacted by domestic and family violence. The family safety hub will improve outcomes for women and girls in the ACT through enhancing existing service capability to ensure that vulnerable women and children have access to the supports they need when they need them.

The ACT government has implemented an initiative to support those who are not eligible for Medicare and who are victims of family and domestic and sexual violence to have access to full medical care, including pathology, diagnostic, pharmaceutical and outpatient services in ACT public hospitals free of charge.

Across government a family and domestic violence community of practice is now established to encourage and support ACT government directorates and agencies to engage in workplace programs on the prevention of violence against women and build respectful and gender equitable cultures. The ACT government front-line worker training strategy was developed in 2018 in support of the ACT government's response to family violence. Through this work all ACT public service staff will be required to complete foundational training, which will be made available in the first half of 2019, with more detailed training to be made available to front-line staff.

The ACT government is committed to supporting people to have equitable access to secure homes that are appropriate, affordable and meet their needs and circumstances. As lower income earners who retire with less superannuation, women are particularly vulnerable to housing stress and homelessness. The ACT government has committed \$6.524 million in the 2018-19 budget to provide more front-line homelessness services. Over \$1.7 million of this funding was allocated to establish a new homeless service for older women, and dedicated funding was also provided to organisations who support women and children. This funding complements the funding to front-line crisis services such as the Domestic Violence Crisis Service and the Canberra Rape Crisis Centre by increasing accommodation and support for women who are fleeing violent relationships.

In closing, I thank all of those in the ACT community and the government who are working with us to achieve more for women and girls. We have a long way to go to influence and change the unconscious bias and behaviours that exist in our society that ultimately serve to disadvantage and hurt women and girls. We have a long way to go in changing the story for women and girls to ensure that they have the freedom of safety and security over their personal wellbeing and that they can reach their potential in their professional lives.

I ask every member of the Canberra community to look critically at their assumptions about gender and appropriate gendered behaviours and challenge them to change their own behaviours and their expectations of others' behaviours. As a community we have a real opportunity to change the experience of women and girls. I present a copy of the statement:

International Women's Day 2019—Ministerial Statement.

I move:

That the Assembly take note of the paper.

**MRS JONES** (Murrumbidgee) (11.48): I join the Minister for Women and all my colleagues in this place to note our celebration of International Women's Day with and for women across the world. We achieved the first majority women parliament in Australia, in December 2017. Tasmania followed in March 2018. We have the first majority women Liberal Party party room in the country. This has been achieved through merit, through grit, through the determination of women and with the absolute support of all in the Canberra Liberals.

I hosted a morning tea on Wednesday, 6 March to celebrate International Women's Day and was honoured to have so many fantastic women there, including community and cultural leaders and some great women from the Canberra Liberals: the Hon Margaret Reid, the first female President of the Senate; Mina Zaki, our candidate for the seat of Canberra; and all my Canberra Liberals colleagues.

I commend the minister for her commitment and work in this portfolio. I believe this parliament continues to demonstrate what is possible with effort. I also stand with the minister to say we are not done yet. She said in her statement that the intention is that women can participate fully in the way they want to. I absolutely agree, and in the ACT we are able to achieve these reasonable aspirations. But until we achieve them everywhere we still have work to do.

Question resolved in the affirmative.

## **Mission to Indonesia**

### **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) (11.50): I am pleased to report to the Assembly today on a mission I led to Indonesia in February. This was a very focused mission, both in time and scope, but an important one, coming just ahead of the signing of a new and wide-ranging economic partnership agreement between Australia and Indonesia in early March.

There are many benefits from a strong reciprocal relationship between Australia and Indonesia and between Canberra and Jakarta as the respective national capitals. This

mission particularly aimed to promote Canberra as a higher education and healthcare leader at a time when Indonesia is actively seeking international partnerships to help meet its workforce and service needs.

Indonesia is amongst the top 10 priority countries in the ACT government's international engagement strategy and it is a priority market in the ACT's broader economic development strategy. With a population of 260 million, it is on track to become one of the world's top five economies by 2030. The signing of the Indonesia-Australia comprehensive economic partnership agreement marks a new stage in the relationship between our two countries.

The new agreement improves market access in a number of areas of comparative advantage for the ACT, particularly in higher and vocational education and healthcare services. With this in mind, our mission was focused on connecting the ACT's institutions with their Indonesian counterparts and exploring real opportunities for partnership. In that light, it was fantastic to have representatives from the ANU, UC and UNSW participating in this mission, alongside the territory government's representatives.

Their participation helped us to put forward a clear and positive picture of the ACT's education ecosystem and its benefits for students, researchers and institutional partners. During the mission we made direct representations to relevant Indonesian government agencies about the ACT's education offerings and the benefits of closer collaboration. This included meetings with the Secretary-General of the Ministry of Higher Education, Research and Technology and senior executives of the Indonesia Endowment Fund for Education, which is the administering body for national government university scholarships.

I also delivered a public lecture at the University of Indonesia, the country's top-rated tertiary institution, to emphasise the important role that collaboration between our education sectors can play in tackling shared challenges like climate change, health and wellbeing, and skilling our respective workforces for the jobs of the future.

Indonesia has seen a surge in demand for tertiary and vocational education. In the last 10 years, the share of Indonesians enrolled in tertiary education has almost doubled. That is why we took the opportunity with these meetings to showcase the capabilities that exist within the ACT's education ecosystem, both for overseas study and in-country or online delivery of training.

The ACT is a leader in the delivery and design of high-quality tertiary education programs, and we believe there is a strong opportunity to partner with Indonesian institutions in developing new and improved courses, upskilling lecturers and vocational trainers, and improving the quality of online educational offerings. This may be in addition to the traditional route of attracting students to study in Canberra, recognising that the potential for education service exports goes far beyond simply hosting students from overseas. During the delegation, I was also pleased to meet with the Governor of Jakarta.

Whilst somewhat different in size, our cities have much in common. Both are responsible for delivering state and municipal services for our respective communities whilst also being the national capitals, with the unique challenges that we all know this entails. Jakarta and Canberra are also both home to their countries' number one university. It was therefore a pleasure and a high priority to meet with Governor Baswedan. We had a good discussion on a range of issues, from the delivery of government services and town planning to smart cities and integrated public transport. We particularly focused on the opportunities to further the relationship between our two cities through education.

The governor is particularly interested in teacher exchanges for Jakarta school principals, teachers and administrators. An exchange program presents the ACT with opportunities for our teachers to gain an appreciation of the Indonesian context; so we will now explore this as part of a wider program of exchanges with our priority country partners. I look forward to the relationship between Canberra and Jakarta deepening over time through this initiative and any others that may flow from our discussions on this trip.

Finally, through two networking events facilitated by Austrade, our delegation had the opportunity to meet with targeted stakeholders from the education and healthcare sectors to discuss current and emerging opportunities in areas like online and vocational education, e-health and allied health workforce development. The challenges Indonesia faces in these areas are significant. For example, in order to meet the WHO's recommended nurse to population ratio, Indonesia will need to train almost one million more nurses just to meet current population levels. Some of the education leaders I met also pointed out that Indonesia needs to graduate around 600,000 ICT students each year to meet the demand for workers with these skills.

These events, facilitated by Austrade, provided an opportunity to better understand the challenges that specific Indonesian sectors face and to connect key people with counterparts in Canberra who can help with possible solutions. I am pleased to note that, since we got back from the mission, one of the participants has already visited Canberra and met with the Commissioner for International Engagement to discuss further business opportunities.

The mission was an important step in strengthening our relationship with Indonesia and growing partnerships between the tertiary education sectors in our two countries. With education services currently contributing around half of our total service exports, there are clear advantages to focusing our efforts on this important growth market. Partnering with Indonesia to meet the country's training needs will help this important sector to grow so that it can keep creating more good local jobs. It also benefits our local institutions by opening up new perspectives, new opportunities for research and new connections with our region.

Finally, Madam Assistant Speaker, some thanks. The Indonesian embassy in Canberra, as always, was extremely helpful in organising meetings and providing support for the mission. I particularly thank the ambassador for his assistance. He is a great friend of Canberra. I also acknowledge the support provided to the delegation by the Australian

embassy in Jakarta, particularly the Australian Ambassador to Indonesia and his staff. I thank the ANU, the University of Canberra and the University of New South Wales for their support and engagement in the delegation, which extended well beyond sending participants.

There is now much work to do in following up the many contacts and opportunities that emerged from this short mission. We will get on with this important work because we know it leads to more good local jobs for Canberrans, and that is what matters. I present the following paper:

Ministerial Delegation to Indonesia, February 2019—Ministerial Statement

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **ACT Fire & Rescue aerial capability 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) (11.58): As the Assembly would be aware, the ACT government has committed to increasing ACT Fire & Rescue's aerial firefighting capability during this term of government. Funding for a new aerial pumper was announced in the 2018-19 ACT budget, and the ACT Emergency Services Agency, or ESA, is now working to have the new aerial pumper on the road in the 2019-20 financial year. ESA regularly and routinely reviews the risk profile across the ACT.

The ESA commissioner and the chief officer of ACT Fire & Rescue inform me that two aerial appliances will provide sufficient operational capability for firefighters to deal with emergency incidents in high-rise and medium-rise buildings in the ACT. ESA also advised that aerial appliances are not the primary source of fire protection, with firefighters benefiting from improved building design and the national construction code requirements, including fire separations, fire doors and fire stairs, and buildings over 25 metres high requiring sprinklers. These provisions are designed to limit the spread of fires in apartment buildings, alert residents and provide safe pathways for occupants to evacuate the building should a fire occur.

Our firefighters are also well trained and can utilise a number of methods to manage all types of incidents to keep Canberrans safe. This was demonstrated in the recent response to a fire on the 12th floor of the construction site in Cooyong Street, Civic, on 18 February this year, where the fire was quickly extinguished without the use of an aerial appliance. This is just one example of how our firefighters can quickly adapt, and have the skills to safely and effectively respond to and control a range of fires and emergencies. The use of aerial appliances complements internal firefighting and

rescue techniques, consistent with building design and the requirements of the national construction code.

While ESA is working on the procurement of the second aerial appliance for the ACT, work is also being conducted on replacing the current ACT Fire & Rescue major aerial appliance, the 44-metre Bronto. This appliance was purchased and was first registered in October 2009. The Bronto major aerial appliance was forecast to be replaced in 2024, and no later than 2029, after a maximum 20 years operational life. On the basis of its forecast working life, the ESA had scheduled the replacement of the current aerial appliance for the 2024-25 financial year. The Bronto has not lived up to the expectations that we had. There are a range of reasons for this and I understand the ESA commissioner is looking into this. It is fair to say that the problems experienced by the Bronto in the ACT are not in isolation and that other jurisdictions may have faced issues as well.

For the benefit of members, I can advise that from 1 July 2017 to 28 February 2019 the Bronto was unavailable for approximately 2,354 hours, or 16.1 per cent of the time. Most of this unavailability occurred in the last few months, to address an electrical fault. For the period 1 July 2017 to 26 November 2018 the Bronto was unavailable for approximately 394.5 hours, or 3.2 per cent of the time. I am advised that there was a replacement Bronto in place for 925 hours. It is important to note that these figures include times when the Bronto was needed for scheduled maintenance. These are mandated as part of the registration requirements of the vehicle and the independent accreditation required.

During all preventative maintenance, and where possible during unscheduled maintenance, each task is completed in sequences to allow the Bronto to be quickly reassembled to respond to confirmed triple zero calls. If major servicing is required, ACT Fire & Rescue will attempt to locate a replacement vehicle for the period the Bronto is unavailable.

To date, the ACT has relied on good faith relations with Fire and Rescue NSW and the Melbourne Metropolitan Fire Brigade to borrow a spare major aerial appliance when the ACT Fire & Rescue appliance is unavailable. This option is becoming more difficult as fire agencies around Australia are currently having similar reliability and breakdown issues with their aerial capabilities. More jurisdictions are in the process of replacing their major aerial appliance vehicles at end of life and, like the ACT, are managing problematic vehicles. This has resulted in a lack of available spare aerial appliances, creating capability issues across the country.

In doing its due diligence, the ESA has also explored the option of a lending or share arrangement with an aerial appliance utilised by the CSIRO. While the CSIRO were receptive to such an agreement, the United Firefighters Union lodged a dispute. The option is considered unviable for a range of technical, financial and safety reasons. The ESA commissioner is exploring the possibility of bringing forward the replacement of the current ACT Fire & Rescue major aerial appliance. This is due to significant ongoing serviceability problems that are substantially impacting on its operational availability.

I have also asked the ESA to explore the types of incidents our aerial capabilities are despatched to. The number of kilometres on the odometer in aerial capabilities borrowed from other jurisdictions indicates that they are using these valuable pieces of equipment in far fewer circumstances than we are here in the ACT. Other measures in relation to monitoring and compliance in their use will also be put in place to ensure that these two new valuable community safety assets are able to operate at their maximum capability on a more regular basis.

I want to give special thanks to the staff within the ESA workshop, who go above and beyond to keep the Bronto in service. They are dedicated staff who are a credit to the ESA and to all Canberrans. Once again, thank you. I would also like to thank all the firefighters of the ACT, both paid and volunteer, who contribute to keeping Canberra safe. Our firefighters are some of the most highly skilled in the country, which is why we are approached almost every year to travel overseas to the US and Canada to assist with their disasters.

Data published in the *Report on government services*, or ROGS, demonstrates that the ACT is consistently amongst the leading performers nationally in relation to ambulance services, fire and other events. This is a credit to the ESA and all its personnel. ROGS data also demonstrate that the ACT is one of the most well funded, well resourced and well equipped in the country in relation to emergency services.

The procurement of these two aerial appliances is another example of the government's commitment to investing in emergency services in the ACT. Continued investment in proposed reforms to the ESA comms centre will further improve emergency responses, as with the ESA's station upgrade and relocation program, or SURP, which has already delivered our emergency service personnel with state-of-the-art facilities that are the envy of most jurisdictions in Australia. The strategic location and design of these important facilities allow for faster response times, which has a direct impact on community safety and ensures that Canberra remains one of the safest communities in the world to live.

In closing, the community can continue to have full confidence in the capability and quality of the emergency services that are delivered by its front-line personnel on a daily basis. The community can also be confident that the front-line personnel who deliver these services are extremely well supported by the government in terms of resources and equipment. The procurement of these two new aerial appliances is simply another example of this commitment to public safety. I present the following paper:

ACT Fire and Rescue—Aerial Capability—Ministerial Statement.

I move:

That the Assembly take note of the paper.

**MRS JONES** (Murrumbidgee) (12.06): As the minister has outlined, last month firefighters with extinguishers on their backs had to trek up 12 storeys of a building

site to put out a fire on the 12th floor of an apartment building under construction. Why did they have to do this? Because once again the aerial pumping appliance, the Bronto, was not available. The minister claims that the fact that our firies were still able to put out this fire under duress without the Bronto, having to trek 12 floors, is actually a good thing. Seriously! The minister says this is one example of how adaptive our firefighters are. What a joke! What an insult to the firies of the ACT!

Today the minister has admitted that the Bronto has been unavailable for over 16 per cent of the time in the past two years. Labor promised that, if it were re-elected, the ACT would have another Bronto, and three years later there is nothing to be seen. The Chief Minister continues to oversee a rapid expansion of apartment buildings across our city, while the emergency services minister cannot even get one Bronto on the road when it is needed.

The firefighters of the ACT deserve more information. They deserve to be treated with appropriate respect. They are strong, good-willed people. They put themselves on the line every day for our safety. But to continue to fail and to leave them to deal with a Bronto which is a lemon is clearly not good enough. I think, out of respect for those men and women who lugged extinguishers up 12 storeys to put out the recent fire on Cooyong Street, the minister should tell them when the two aerial pumpers, the new Bronto and the smaller aerial pumper, will be delivered. The chamber, I am sure, will grant leave so that the minister can give us this information now.

Question resolved in the affirmative.

**Sitting suspended from 12.08 to 2.00 pm.**

### **Questions without notice**

#### **Crime—motorcycle gangs**

**MR COE:** My question is for the Attorney-General. Attorney, how many outlaw motorcycle gangs operate in Canberra, how many members are there in each of these gangs and what is the total number of gang members in the territory?

**MR RAMSAY:** I thank the member for his question. Obviously, countering serious and organised crime is an absolute priority for this government. I am advised that as of 12 March there were four known outlaw motorcycle gangs operating in the ACT and that the total number of members associated with the ACT chapters of these OMCGs is estimated at approximately 60 people. Further detail of the question I will take on notice.

**MR COE:** Attorney, if you would also take on notice if you do not have it on you: what are the names of these outlaw motorcycle gangs and are there any outlaw motorcycle gangs based in New South Wales who conduct meetings or activities in the ACT?

**MR RAMSAY:** In terms of the names of the particular motorcycle gangs, I will confirm those on notice following confirmation with my colleague the Minister for Police and Emergency Services and ACT Policing as at any time, noting that those

particular areas do not sit within my portfolio responsibility. In terms of the other matters raised, I also note that they are more operational policing matters but I will take them on notice.

**MR HANSON:** Attorney, are there any outlaw motorcycle gangs that are based in the ACT but that conduct meetings or activities in New South Wales?

**MR RAMSAY:** I thank the shadow attorney-general for his question and for his ongoing interest in matters relating to outlaw and criminal motorcycle gangs. Certainly, the operation of any outlaw activity is something that the government is working on very closely. Again, as I say, it is primarily a matter for Policing.

Policing works very closely not only within the ACT but also across all of the jurisdictions. There is strong cooperative work, in terms of New South Wales policing as well as the anti-gang squad. That will always be a focus of the work of ACT Policing, of the AFP and of other jurisdictions, noting that Canberra is and remains a safe place. It is our intention, as always, to make sure that that remains the same.

### **Women—women's plan**

**MS LE COUTEUR:** My question is to the Minister for Women and relates to the women's plan 2016-2026. Minister, the plan indicates that ACT government directorates will be accountable for ensuring that gender is considered in the development of policies and programs. In line with the plan, are you monitoring how often gender is considered in the development of policies and programs across the government?

**MS BERRY:** I thank Ms Le Couteur for her question. Yes, I am always monitoring how gender is being considered across policies across the ACT government. As I said in my statement earlier today on International Women's Day, there is still more work to do. We are by no means perfect but we are working very hard as a government to ensure that gender equity is considered across the implementation of government policy and across our community.

**MS LE COUTEUR:** Given that that is the case, what advice has been given to you about how gender has been incorporated, and have there been any specific gender advisers appointed to assist with significant reforms or review processes?

**MS BERRY:** Not necessarily specific gender advisers, but I am the Minister for Women, and the office for women advises me on work that is happening across the government. As well, individual ministers advise me on work that is happening within their portfolios about initiatives that are being rolled out by the government.

### **Crime—drive-by shootings**

**MR HANSON:** My question is to the Minister for Police and Emergency Services. Minister, how many drive-by shootings have there been in Canberra this year?

**MR GENTLEMAN:** I thank Mr Hanson for his question. I can advise that on 11 March this year, ACT Policing responded to a firearm incident in Richardson. Investigations reveal that a number of shots were fired into a residential premises. On 2 March, ACT Policing responded to a firearm incident in Theodore. Investigations revealed a number of shots fired into three separate residential premises. On 4 February this year, ACT police responded to a reported firearms-arson incident in Kambah.

On 25 January, Taskforce Nemesis arrested a 30-year-old man for aggravated robbery, inflicting grievous bodily harm, making a demand with a threat to kill and attempting to pervert the course of justice in Oaks Estate. The man was the president of the ACT chapter of the Satudarah OMCG and is presently remanded in custody. The matter remains before the court.

**MR HANSON:** Minister, in how many of these drive-by shootings and other incidents that you mentioned are members of outlaw motorcycle gangs suspected?

**MR GENTLEMAN:** In the aforementioned instances, Taskforce Nemesis is investigating and advise that they think that they are OMCG-related incidents.

**MRS JONES:** Minister, why has there been a significant increase in drive-by shootings in Canberra in recent years?

**MR GENTLEMAN:** I thank Mrs Jones for her question. We are taking serious criminal gang activity very seriously, and ACT Policing are as well. We are doing this because of the resources provided by this government, along with the enhanced legislative powers that the Attorney-General has shepherded through this place. As we provide those resources to police, I note that the ACT Liberals voted against the budget which provided those resources last year.

**Mr Hanson:** On a point of order, Madam Speaker; if you could stop the clock, as a courtesy?

*Members interjecting—*

**MADAM SPEAKER:** Members, please! A point of order, Mr Hanson.

**Mr Hanson:** I appreciate that it is early days but the question specifically is: why has there been a significant increase in drive-by shootings, rather than what the government is doing? Why has there been an increase?

**MADAM SPEAKER:** In the minute, you have left, please, minister.

**MR GENTLEMAN:** Thank you, Madam Speaker. The advice to me from ACT Policing is that they are doing everything in their power, of course, to apprehend outlaw motorcycle gangs. They are doing a very good job. My understanding is that 50 per cent of those gang members in the ACT are now either behind bars or about to be behind bars. They are certainly before the courts.

Whilst I note the claim that Mr Hanson makes in regard to the increased activity of drive-by shootings, it is of course their business model to instil fear and intimidation in members of other groups of OMCGs in the ACT, and we see that rivalry continue.

### **Crime—motorcycle gangs**

**MS LAWDER:** My question is to the Attorney-General. Attorney, since the last sitting there has been yet another bikie attack in our suburbs. In the latest incident, a woman was hospitalised with a gunshot wound to her shoulder. Two other people were inside the home when the bullets struck. Police said that the home had been targeted in an attack on members of the Nomads outlaw motorcycle gang. Attorney, why will you not give ACT police the power to prevent these attacks before someone is killed or maimed?

**MR RAMSAY:** I thank the member for her question, noting that there will be a substantive debate on this matter in the Assembly tomorrow. The implication, I know, behind the question is that anti-consorting laws are the be-all and end-all and that they will provide the powers to Policing to prevent a crime. It is important for that to be cleared up very quickly: that is not true; that is not accurate; and the evidence does not suggest it.

What we have been doing throughout this term of government, and what we will continue to do, is to provide ACT Policing with powers that are truly effective, are disruptive and will enable them to engage in appropriate levels of law enforcement and also prosecutions. We continue to do that with a number of matters that we have already brought in: crime scene powers and the new offence in relation to a drive-by shooting. We have worked with anti-fortification powers, which are specifically about disrupting activity, and we have resourced Taskforce Nemesis, who are particularly effective at disrupting and preventing crime.

I congratulate and affirm ACT Policing for their work, noting that we will not grandstand on powers that have been proven to be ineffective and sell snake oil to the Canberra community, as the Canberra Liberals are choosing to do at the moment. We will provide powers that are effective as well as making sure that we retain safety in our community.

**MS LAWDER:** Attorney, what extra measures is the government taking to prevent—not just punish, but to prevent—attacks such as the one last week?

**MR RAMSAY:** I thank the member for her question. Certainly, what this government is doing is providing effective means. What we will do—noting that this is a matter that is present in all jurisdictions across Australia, including those with the powers that the Canberra Liberals would like us to have here, which prove to be ineffective in other jurisdictions—is make sure that Policing has effective powers.

That is why we have signed the intergovernmental agreement in relation to unexplained wealth. That is why we have resourced ACT Policing. That is why we have resourced the DPP in relation to the confiscation of criminal assets. All of this is

targeted at making sure that the business model that the criminal gangs are using and have as their motivation is undermined and pulled apart. That is how we will continue to work in that area.

Again, I affirm ACT Policing for their extremely effective, disruptive work. As the Minister for Police and Emergency Services has already indicated, approximately half of the known members of outlaw motorcycle gangs in the ACT are currently in custody or before the courts.

**MR HANSON:** Attorney-General, is it officially the government's position that our streets are actually safer without anti-consorting laws than they would be with anti-consorting laws?

**MR RAMSAY:** I thank the shadow attorney-general for his question. It is the view of this government that the community is a safe community. What we will do is ensure that the powers that are given to Policing are effective powers and not conservative political grandstanding scare powers.

### **Transport—rail services**

**MS CODY:** My question is to the Chief Minister. Chief Minister, what action has the ACT government taken to help get a faster rail service for Canberra passengers and freight between Canberra and Sydney?

**MR BARR:** I thank Ms Cody for the question. We have been working on this project for a number of years, in collaboration with surrounding local government areas and the Canberra Region Joint Organisation, and working with the New South Wales government, the New South Wales opposition, the federal government and the federal opposition. We have put forward a very strong case to both national and state-level colleagues in New South Wales and in the federal arena, across the party-political divide, to seek improvements to the Canberra-Sydney rail corridor.

We have committed funding of \$5 million towards a detailed business case to prioritise upgrades to the current service. In partnership with the New South Wales government, we have put forward a joint submission to the federal government, as part of their faster rail project fund. We look forward to further announcements of funding towards the Canberra-Sydney rail corridor as we get closer to the New South Wales state election this weekend, and the federal election in coming months.

**MS CODY:** Chief Minister, what have been the results of the ACT government's commitments and advocacy for improvements to the rail?

**MR BARR:** We have been very clear and focused in bringing together a coalition of supporters for the project across the region and across the party political divide. I stood on Queanbeyan railway station with the Deputy Premier and National Party member John Barilaro as well as representatives from the New South Wales opposition and various federal representatives, and have raised this issue with both sides of federal politics.

I am sure that members would be aware that there has now been a commitment from the New South Wales government to the procurement of a new train fleet for regional New South Wales. We welcome this announcement although it is somewhat disappointing that we understand that the first trains are not expected to operate until 2023 at the earliest.

I am also pleased to note that the New South Wales Minister for Transport and Infrastructure announced an \$80 million investment in the Canberra-Sydney rail corridor on the weekend which will include preliminary work to straighten the track to what the minister describes as “a high speed standard”.

This is encouraging. We look forward to further announcements and will continue to work with our New South Wales and federal counterparts to secure Canberra’s fair share of transport and infrastructure investment and we are very confident as we head into the federal election that this issue is firmly on the agenda for both sides of federal politics.

**MR PETERSSON:** Chief Minister, what are the other benefits to the Canberra region of rail improvements, aside from the faster journey time?

**MR BARR:** Faster and more comfortable rail services will not only expand and enhance connectivity between Canberra and Sydney but will also unlock significant opportunities for business, tourism, freight, urban regeneration and affordable housing along the rail corridor. A faster journey time obviously represents a significant opportunity to strengthen the economic and social partnership between Canberra and the surrounding regions, including cities like Goulburn and Queanbeyan and those in the Southern Highlands.

Upgrades to this corridor will benefit the broader transport system by increasing the capacity and efficiency of rail freight, enhancing air freight connectivity and increasing the viability of additional domestic and international flights to Canberra airport. It will also relieve pressure on the national road network and lead to improved productivity and road safety outcomes for one of the nation’s busiest and, I am sure for those who have driven it regularly, perhaps one of the most boring stretches of highway in our nation.

Canberrans have long dreamed of a 21st century rail connection to Sydney and as a result of years of work by this government we are finally seeing progress, and we will continue to prosecute the case until fast, convenient and comfortable rail travel between Canberra and Sydney becomes a reality.

### **Crime—motorcycle gangs**

**MR PARTON:** My question is to the Attorney-General. Attorney, since the last sitting there has been yet another bikie attack in our suburbs, as has been mentioned during this session. I refer to the incident where a woman was hospitalised with a gunshot wound to the shoulder. Attorney, given that the bikie war has escalated on your watch, what responsibility do you take for members of the Canberra community being shot?

**MR RAMSAY:** I thank the member for his question, sort of in the knowledge that the member has taken on himself the role of being able to put out what is or is not happening in the life of outlaw motorcycle gangs. I note that in his social media he has jumped ahead of the police a number of times in stating what is or is not gang related. What the—

**Mrs Jones:** Point of order, Madam Speaker.

**MADAM SPEAKER:** Resume your seat. Mrs Jones on a point of order.

**Mrs Jones:** Madam Speaker, the question asked of the minister was with regard to the escalation on his watch, not what other members have put on their social media pages or his interpretation of that.

**MADAM SPEAKER:** The minister was less than 30 seconds into his two-minute answer. The minister will come to the point, I have no doubt, in the time he has left.

**MR RAMSAY:** Clearly, the responsibility of the government is to ensure that we have, as we do, a safe Canberra. We continue to have a safe Canberra. I take responsibility for ensuring that we do not promote a sense of scaremongering and fear amongst the people of Canberra, which is clearly failing on the other side of this chamber.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members! Mr Parton, your supplementary.

**MR PARTON:** Attorney, can you guarantee to our community that no more women or children will be shot as a result of the ongoing bikie war?

**MR RAMSAY:** The reality is that no government in the history of democracy has ever been able to guarantee any particular action in the future. It is an outlandish question. It is a gutter politics question that is being asked again today.

What I can guarantee is that we will continue to ensure that Canberra is a safe place to live, as it is at the moment. As is demonstrated by the comparison across other jurisdictions, we are a safe place. We are safer in comparison with other jurisdictions. We will continue to be, and I am proud of the efforts of this government to take seriously the issue of crime in the city, and not just to grandstand on it, in the way that the Canberra Liberals are doing.

**MR HANSON:** Attorney-General, how many women or children will be shot at before you take responsibility for the ongoing violence in our suburbs?

**MR RAMSAY:** I reject the outlandish question.

### **Crime—motorcycle gangs**

**MRS JONES:** My question is to the Attorney-General. On 11 March this year, the *Canberra Times* reported the following:

Anti-consorting laws have been used by the NSW anti-gangs team, Strike Force Raptor, to effectively target and disrupt outlaw motorcycle gang activity in that state.

Since the introduction of the Queensland and NSW legislation, the number of outlaw motorcycle gangs active within the ACT has jumped from one, the Rebels, to four ...

Attorney, why do Canberrans have to accept less legal protection than the people in Queensland, New South Wales or anywhere else in this country?

**MR RAMSAY:** I thank the member for her question. The simple answer is they do not.

**Mrs Jones:** They absolutely do.

**MR RAMSAY:** I thank the member for her interjection—inaccurate, as it often is. What I can guarantee is that the legislation we have here in the ACT is effective legislation. Although there may be selective quotes, as has been the case before—the Canberra Liberals choose bits and pieces that they like to quote from different reports in different spaces—I know that there will be a substantive debate on a piece of legislation tomorrow and that the Canberra Liberals are seeking to pre-empt a number of aspects of that conversation and that particular debate, in particular in relation to laws that are within the bill that is before the Assembly. I note that we will provide laws that are evidence based and effective, and that the evidence does not support the introduction of anti-consorting laws here in the ACT.

**MRS JONES:** Minister, why do you persist in the claim that these laws are ineffective when other jurisdictions have found them to be effective?

**MR RAMSAY:** Because the evidence says so.

**MR HANSON:** Attorney-General, why have other Labor-led jurisdictions introduced anti-consorting laws if there is no evidence for their effectiveness?

**MR RAMSAY:** I will speak on behalf of this government, and this government is working specifically for the ACT. We will continue to provide legislation that is effective.

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

**MR PETTERSSON:** My question is to the Minister for Health and Wellbeing. Minister, given that the final report from the review into workplace culture within ACT public health services has concluded, can you please update the Assembly on the findings of the report?

**MS FITZHARRIS:** I thank Mr Pettersson for the question and welcome the opportunity to update the Assembly on this very important piece of work. I released the final report of the independent review into workplace culture within ACT public

health services on 7 March. There were a number of key things highlighted in the report indicating that many of these issues are being played out at a national level. Many of the issues identified in the ACT were longstanding.

It was clear that some staff have been subjected to inappropriate behaviours which had not been adequately investigated or addressed, that there needed to be improvements to procedures and processes to deal with complaints, that HR practices required improvement and that historically there had been a lack of effective leadership. There was a need to ensure greater clinical engagement to ensure that the system can benefit from the expert knowledge and input of individuals, and additional training is required. Most importantly, the review also found that there is cautious optimism among staff as well as a theme of requesting that the government get on and deliver the recommendations from this report.

It is of course disappointing to read that organisations have not been effectively addressing concerns raised by staff and that some of our processes were inadequate. But as I have said on many occasions, and will reiterate here today, the negative behaviours being experienced by some staff within the ACT public health system are unacceptable and we are committed to making sure that these will stop. The final report recommendations support us to do just this.

**MR PETTERSSON:** Minister, what will the next steps arising from this process be, in terms of recommendations and implementation?

**MS FITZHARRIS:** I said last year that I hoped that the independent review would look at causes and contributing factors to the current issues of workplace culture. Indeed the work of the independent panel and the final report provide us with real recommendations about how we can do just that. The panel has provided recommendations which create a clear path forward, and I acknowledge the participation of staff and stakeholders in this process that has brought us to this point.

The government has accepted all of the recommendations in principle and will respond formally to the report and the recommendations within the time frames set out in the terms of reference. One of the key recommendations is for the establishment of the culture review oversight group. I am pleased to advise that I will hold the first meeting of this group later this month. I will be the chair of the group and other major health sector stakeholders will have membership.

I will look forward to keeping members informed of progress through regular updates to the Assembly.

**MS CHEYNE:** Minister, how are leaders in the ACT public health services working to ensure that the ACT public health system will be a positive place to work and receive health care?

**MS FITZHARRIS:** The leadership team across the ACT Health Directorate, Canberra Health Services and Calvary Public Hospital must look after the people who deliver patient care to our community. There are new executive structures across all organisations to support them to do just this.

There is already significant work underway to address the issues identified in the final report in addition to the significant reforms undertaken last year in leadership and in the governance and structure of Canberra's public health services. The work underway at the moment includes the following.

Within Calvary Public Hospital we have seen the establishment of a respect, equity and diversity contact officer network to provide confidential advice to staff on options to address workplace issues; a no orientation, no start approach to compulsory orientation; ensuring that all staff have access to prevention of workplace discrimination, bullying and harassment information across all work areas; improving reporting processes; enhanced training for managers on early intervention and effective management of workplace issues; and more open discussions around workplace culture and behaviours.

Across Canberra Health Services and the ACT Health Directorate we are seeing the introduction of an employee advocate to offer staff an alternative model for the resolution of complaints and allegations of bullying and harassment; a focus on effective dispute resolution; new projects for both organisations to review their vision, values, role and behaviours, with significant staff engagement; and the consideration of new training programs, particularly focused on resolving workplace conflicts swiftly; and significant clinical engagement, being led by the leaders of each organisation. In addition, I was very pleased last week to announce expressions of interest for the clinical leadership forum, which will report directly to me. I look forward to updating the Assembly on the members of the clinical leadership forum.

### **Crime—anti-consorting laws**

**MISS C BURCH:** My question is to the Attorney-General and relates to a *Canberra Times* article in 2016 titled "ACT police chief takes aim at flawed arguments against bikie consorting laws." The article says that Assistant Commissioner Lammers had heard arguments against consorting laws and that, in his view, those arguments were flawed, stating, "There is a need for strong laws in the ACT that stop a fourth or a fifth or a sixth outlaw motorcycle gang getting a foothold and stopping the expansion of outlaw motorcycle criminal activity in Canberra." He said that groups fighting the proposed laws on human rights grounds needed to consider that human rights were "about everybody's rights, not just the rights of particular groups". Attorney-General, was the then Chief Police Officer correct when he said that arguments against anti-consorting laws were flawed?

**MR RAMSAY:** I thank the member for her question, noting again that the Canberra Liberals choose to half quote matters and half refer to matters. What we will do—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please be quiet.

**MR RAMSAY:** What we will do, Madam Speaker, is work with all of the evidence, with all of the demonstrated evidence across Australia.

**Mr Coe:** Are you a gang member, Gordon?

**MR RAMSAY:** Again, I note that what I have said constantly in this—

**Ms Berry:** Point of order, Madam Speaker.

**MADAM SPEAKER:** Minister.

**Ms Berry:** Mr Coe, the Leader of the Opposition, just called out across the chamber asking if the Attorney-General, the first lawmaker in this town, was a member of a gang.

**MADAM SPEAKER:** That is an inappropriate contribution, Mr Coe. Please keep yourself in line and stop interjections. Attorney, you have a minute left.

**MR RAMSAY:** I note the research in terms of the effectiveness of the laws. I refer members opposite to the most recent research in that area. In fact—

**Mr Hanson:** A point of order on relevance, if I could, Madam Speaker? The question very much was about the advice from the former Chief Police Officer, who said that the arguments about anti-consorting laws were flawed. It was an invitation to the Attorney-General to point out whether or not that was correct. Could the Attorney-General be relevant?

**MADAM SPEAKER:** I think we have the gist of the point of order. Minister.

**MR RAMSAY:** I thank the members opposite for their almost interest in what is going on because when you want to look at matters that are serious such as this, it is important to have all of the evidence and try not to grandstand with particular quotes and half quotes. The evidence is clear. As has been most recently published, criminologists have said, and have demonstrated, that anti-consorting laws are ineffective and distract from finding actual solutions. We will work for actual solutions. *(Time expired.)*

**MISS C BURCH:** Was the former Chief Police Officer correct when he warned that without anti-consorting laws we would see more gangs established in the ACT?

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please. One of your colleagues has asked a question. Why don't you stop and listen to the answer?

**MR RAMSAY:** We will work with the latest evidence, and the latest evidence is, as I said before, that anti-consorting laws are not effective. They are not—

**Mr Hanson:** Again, Madam Speaker, on relevance, the question is very much about whether more gangs were established following the Chief Police Officer's advice.

**MADAM SPEAKER:** I am going to rule on the point of order.

**Mr Hanson:** There were three matters—four, if that will help him.

**MADAM SPEAKER:** There is no point of order. The question was: was the former CPO correct? The attorney is responding in the policy framework of saying that it is his view, and that of the executive government, that the information around the benefits of anti-consorting does not stack up.

**Mr Hanson:** Madam Speaker, on your ruling, or your guidance, it was not about the broader policy framework. It was very specifically about whether more gangs were established in the ACT. I would have thought that it is a pretty simply yes or no, isn't it?

**MADAM SPEAKER:** The question also included whether the CPO was correct in his assumption or statements regarding anti-consorting laws.

**Mr Hanson:** Well, was he? Were there more gangs or fewer gangs?

**MADAM SPEAKER:** I have made a ruling. I cannot direct him, other than as to whether it is relevant or not. I think the attorney's answer is relevant.

**MR RAMSAY:** On this point, can I also note the advice and the public opinion that have been brought forward by members of our legal profession, who have simply said that anti-consorting laws are "just bad policy".

**MR HANSON:** Attorney, was the former Chief Police Officer correct to say that everybody's rights needed to be considered, not just those of outlaw motorcycle gangs?

**MR RAMSAY:** When we are considering matters of human rights with every single piece of legislation in this place it is a matter of looking at all the rights right across the entire community and it is a misunderstanding, a simplistic understanding, that the shadow attorney-general has propagated a number of times that it is simply trying to balance one person's rights versus another person's rights. That is far too simplistic an understanding and I think the shadow attorney-general should learn more about that, again noting what we will be debating in the chamber tomorrow.

It is a complex balancing of the rights of all people, competing rights across all people, and the advice on anti-consorting laws, including the advice that the shadow attorney-general was given by the Human Rights Commission before he tabled his legislation in the last sitting period, is that there are human rights matters of deep concern with anti-consorting laws. However, as I have said before, the commitment of this government is to be looking at matters that are effective, and the reason that we do not support anti-consorting laws is that they are not effective.

### **Crime—anti-consorting laws**

**MR MILLIGAN:** My question is to the Attorney-General. In an article published in 2017 titled "Canberra's lack of anti-gang laws attracting bikies", the then CPO, Justine Saunders, warned that:

Canberra has become attractive to bikies because it does not have the same anti-gang laws the rest of the eastern seaboard does ...

Justine Saunders told ABC news that:

... the key benefit of anti-consorting laws, noting that's not the only solution, is that it's a preventative tool ...

She also said about the lack of anti-consorting laws:

I believe that's a factor in the decision to come here and undertake their activities ...

Attorney, was the former CPO wrong when she said the ACT was attractive to bikies because we do not have the same anti-gang laws the rest of the eastern seaboard does?

**MR RAMSAY:** I thank the member for his question, noting that these matters have been well and truly canvassed on a number of occasions, including today. I refer Mr Milligan to my previous answers that what this government is doing is providing effective legislation and not legislation that, simply, the Canberra Liberals might like to scare people with.

**MR MILLIGAN:** Attorney, was the CPO wrong when she said that the key benefit to anti-consorting laws are that they are a preventative tool?

**MR RAMSAY:** I thank the member for his supplementary question. We are pleased to be providing resources for ACT Policing to work in effective areas of disruption, and we note, as the Minister for Police and Emergency Services has previously indicated, that there was a significant commitment of over \$1½ million in the 2018-19 budget to help ACT Policing in their preventative role. They are working very effectively to work in a disruptive way. They are using their resources flexibly and they are doing that in a way that is bringing very solid results. I commend them for those solid results. I will not undermine their work in the way that the Canberra Liberals are seeking to do.

**Mrs Jones:** Point of order.

**MADAM SPEAKER:** Point of order, Mrs Jones.

**Mrs Jones:** On relevance, the question is: was the CPO wrong? The minister has not in any way answered the question.

**MADAM SPEAKER:** Again it goes to the point of order that was raised earlier. You are asking for a very simple yes or no. I cannot direct the minister to answer with a simple yes or no. The question was around the benefit of anti-consorting laws. I believe the minister has answered that.

**MR HANSON:** Attorney-General, was the CPO wrong when she said that the ACT's lack of anti-consorting laws was a factor in bikies' decisions to come here?

**MR RAMSAY:** We have worked very effectively with the current CPO and previous CPOs. I am pleased with the relationship that we have had with them, with the advice that we receive and with the response that government has made.

**Crime—anti-consorting laws**

**MRS KIKKERT:** My question is to the Attorney-General. In 2016 the ACT government released a discussion paper on anti-consorting orders. The then Labor Attorney-General, Simon Corbell, said that the changes would help police to “respond more effectively to outlaw motorcycle gang activities, which commonly include violence”. Mr Corbell said:

It will give the justice system improved capabilities to prevent and target crime at an individual level, where it has been shown most effective and disruptive to organised criminal activity.

Mr Corbell also said the territory’s position between Sydney and Melbourne meant that it was important that the ACT took action. Attorney, was the former Labor Attorney-General wrong when he said that anti-consorting laws would help police to respond more effectively to outlaw motorcycle gang activities?

**MR RAMSAY:** I thank the member for her question. This government will always work with the most recent advice that we have, and the most recent and most accurate advice that we have at this stage, which goes on the basis that we will continue to work for the safety of Canberra, is that anti-consorting laws—

*Mr Parton interjecting—*

**MADAM SPEAKER:** That is not helpful, Mr Parton.

**MRS KIKKERT:** Attorney, was Simon Corbell wrong when he said that anti-consorting laws would give the justice system improved capabilities to prevent and target crime at an individual level where it has been shown to be most effective and disruptive to organised criminal activity?

**MR RAMSAY:** I do note that in a previous term of government there was a consultation paper about the area. What it is that we have done not only then but also in regard to more recent advice, and more recent evidence—

*Mr Coe and Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Coe, Mr Hanson, please!

**MR RAMSAY:** is that that work will remain.

**MR HANSON:** Attorney-General, was the former Labor Attorney-General wrong when he said that the territory’s position between Sydney and Melbourne meant that it was important to take action with regard to anti-consorting laws?

**MR RAMSAY:** Could you repeat the question?

**MR HANSON:** Sure. Attorney, was the former Labor Attorney-General wrong when he said that the territory's position between Sydney and Melbourne meant that it was important that the ACT took action with regard to anti-consorting laws?

**MR RAMSAY:** Our position between Sydney and Melbourne does play a role. Obviously, with the work that we are doing in respect of nationally consistent laws across a number of areas, this is important for us. This is a matter that is broader than the ACT. As the evidence will demonstrate, we are disproportionately under-affected by matters of outlaw motorcycle gangs when compared to other jurisdictions, including those jurisdictions that have anti-consorting laws. We will work on matters that are constructive and effective, and we will continue to do that.

### **Women—International Women's Day**

**MS CHEYNE:** My question is to the Minister for Women. Minister, how has the ACT government acknowledged the ongoing work of Canberra women to drive better outcomes for women and girls this past International Women's Day?

**MS BERRY:** I thank Ms Cheyne for the question. I note that International Women's Day was held over a week ago, on Friday, 8 March. One of the local celebrations that I look forward to each year is the awarding of the ACT women's awards. This year there was an outstanding group of women who were acknowledged—women who have spent considerable time in their lives contributing to ensuring that the lives of others can be improved.

The ACT woman of the year for 2019 is Emma Skrabei. Many in this place will be familiar with Emma's work and will recognise why she has won this accolade. Emma is the driving force behind Ginninderry's training and employment initiative, SPARK. She has been an outstanding advocate for inclusion in trades, ensuring that all participants have the right to learn and succeed regardless of age, gender, culture or background, and particularly removing barriers and stigma for women within the male-dominated construction industry.

I have had many interactions with people, mainly women, that Emma works with, and it is clear that Emma sees it as her mission to ensure that she goes the extra mile to make sure that somebody whose outcomes might be at risk or whose lives are a bit tricky get that extra support.

Ms Morgan Marshall was awarded ACT young woman of the year for her work in inspiring the next generation of women to take up STEM subjects and ultimately careers, through Robogals Canberra.

Dr Anne Martin AM was awarded 2019 senior woman of the year. Anne has supported and mentored hundreds of Indigenous and non-Indigenous students. She continues this vital work to date. In 2017 she was awarded an honorary doctorate from the World Indigenous Nations University, in recognition of her contributions to the success of Indigenous university students.

**MS CHEYNE:** Minister, what are some of the changes that the ACT government is seeking for Canberra's women and girls?

**MS BERRY:** I thank Ms Cheyne for the supplementary. Before I return to the reason why we do this, I need to mention that in addition to these three prestigious awards I also acknowledge Marcia Williams for her outstanding contribution to improving the status of women through her work over many years, most notably as Chair of the Domestic Violence Prevention Council and as CEO of the Women's Centre for Health Matters. Many will know that Marcia's tireless work at DVPC directly contributed to the safer families outcomes that have seen new policy directions developed to support those impacted by domestic and family violence.

I would also like to acknowledge Ms Helen Petrou, who passed away last year having given 19 years of service to the ACT Ambulance Service. Helen's legacy as someone who espoused the belief that women can do anything will live on through the service. She is commended for her dedication and bravery over the many years that she served in our community.

Let me go to the question of why we do this. It is pretty simple: because we want the same opportunities provided to women and girls that are provided to everyone else, and we know that this is not always what we get. We are not asking for men to make way for women's empowerment; we are saying that women should be able to decide and be able to do whatever they want to do: to have the same opportunities in their personal and professional lives as others do. And we want them to be safe. These awards acknowledge that there are some in our community who go beyond the call, who are committed to make change, make real change. We must continue to tell their stories about how they are working for better outcomes for everyone in our community.

**MS ORR:** Minister, what are the other ways that we can make Canberra a better place for women and girls?

**MS BERRY:** I thank Ms Orr for the supplementary. Last week the ACT was embroiled in public dialogue with a local business around sales and marketing strategies. I suggest that these sales and marketing strategies often do not meet community standards. Even though some in the opposition might say that that is okay—that it is okay to look at half-naked, dazed women selling a product—I do not see it that way. Do what you like in your own homes, but do not take the privilege of public advertising and exploit it in such a way that you offend such a large group of the population. The complaints that have come to me have hit home—the car conversations that have been had every time a family drives past this billboard.

The more we allow the presentation of uneven, biased imagery of men, women, boys and girls, like on the Nutri-Grain boxes that were identified by eight-year-old Daliah in Scullin, the more this serves to build a perception about who women are and who they are not. It snowballs with unconscious bias that we already have. I want my daughter and my son to see the images of normal women doing whatever they want to do, not just looking sexy on billboards. I do not want to see sexy women on

billboards; I want to see more women on boards and in leadership positions, and I want them to live their lives on their own terms.

### **Crime—shooting**

**MS LEE:** My question is to the Minister for Police and Emergency Services. What advice or information have you received from colleagues in New South Wales about a recent drive-by shooting in Murrumbateman at the house of a senior Canberra union official?

**MR GENTLEMAN:** I have not received any briefings on that matter.

**MS LEE:** Minister, have you asked or will you ask the New South Wales government to advise you of any implications for the ACT of this incident?

**MR GENTLEMAN:** Yes, certainly.

**MRS JONES:** Minister, what involvement, if any, has ACT Policing had in investigating this crime? Has Taskforce Nemesis been in any way involved?

**MR GENTLEMAN:** As I said I have not been briefed on this matter from ACT Policing. I will take the question on notice and seek any more information that can be provided.

### **Crime—anti-consorting laws**

**MRS DUNNE:** My question is to the Attorney-General. On 11 March this year the *Canberra Times* reported:

Last year bikie gangs were responsible for multiple drive-by shootings and targeted attacks across Canberra, including one on a Calwell residence in which bullets were fired into the home and cars set alight.

Further on in the article it says:

Bullets were fired at a two-storey house in Harrington Circuit, Kambah on February 4 2019 and three vehicles were set on fire outside the house.

More recently, there was a woman shot in her home in Richardson. Minister, directly and simply, will this government ever support anti-consorting laws?

**MR RAMSAY:** We work with the advice that we have, and the advice and the evidence that we have are that anti-consorting laws are not effective. In fact, if we are to draw on the advice that has been mentioned in different articles, can I also draw to the attention of the opposition the advice from Associate Professor Mark Lauchs from the Queensland University of Technology that anti-consorting laws would not stop inter-gang violence in Canberra suburbs.

**MRS DUNNE:** Minister, what is the real reason that your government will not accept these laws?

**MR RAMSAY:** Because they are not effective.

**MR HANSON:** Attorney-General, when will the bikie war in Canberra end?

**MR RAMSAY:** Right across Australia, there are matters relating to outlaw motorcycle gangs and criminal organisations that are active in a number of ways. What our government will do is work with the most effective ways of disrupting and preventing those activities, and make sure that Canberra is and remains a safe place to live.

### **ACT Policing—resourcing**

**MR WALL:** My question is to the Attorney-General. Attorney, what measures or extra powers have police asked for in order to deal with outlaw motorcycle gangs in the territory?

**MR RAMSAY:** Noting that a number of matters in terms of the relationship regarding liaison with ACT Policing are not within my portfolio responsibility, we will continue to work very strongly with ACT Policing. There are a number of matters that are actively under consideration at the moment, so it is not appropriate for us to reveal possible policy matters for the future. What I can guarantee to members opposite is that we will work closely with ACT Policing and provide effective laws.

**MR WALL:** Attorney, have ACT police or the minister for police asked you for additional resources or legislative change to address outlaw motorcycle gang activities?

**MR GENTLEMAN:** Madam Speaker, it might be appropriate that I take that question, having been dealing with ACT Policing on matters including law and resourcing.

I can advise that ACT police have asked for tougher penalties for drive-by shootings and tougher penalties and law to preserve evidence in tying matters to crime scenes. Both of those have been provided to ACT police, alongside millions of dollars in funding for Taskforce Nemesis. Indeed I mentioned earlier that just last year we provided an extra \$1.6 million that the Canberra Liberals voted against.

Over the past year ACT Policing has laid 78 charges against 29 criminal gang members and executed 101 search warrants. This year the figures are 13 charges against criminal gang members, 27 offences and 13 search warrants executed.

I am very pleased that the resources, both the resources in a monetary sense and the resources that we have provided in a legislative sense, are working. ACT police are doing a very good job in disrupting criminal gang activities, arresting and detaining criminal gang members.

**MR HANSON:** Minister, assuming you are going to take the question, have ACT Policing previously asked for anti-consorting laws in the ACT?

**MR GENTLEMAN:** I thank Mr Hanson for the question. I would like to quote the Chief Police Officer in a recent media interview. He said that ACT Policing supports nationally consistent legislation to deal with the national issue of serious and organised crime and will continue discussions with government to explore appropriate powers to prevent, deter and—

**Mr Hanson:** On a point of order, Madam Speaker, my supplementary question, noting the latest comments, specifically asked whether ACT Policing have previously asked for anti-consorting laws in the ACT. Could the minister address not just the latest comments but also whether there have been previous requests, perhaps from the previous CPO, the one before that or the current CPO?

**MADAM SPEAKER:** Are you able to answer that in the time you have left, minister?

**MR GENTLEMAN:** Yes. I want to continue with the quote from the CPO, who of course is working with all of the current availability of evidence before him. He says:

... it is important to note that no single power should be seen as a cure-all and serious and organised crime is not limited to openly identifiable criminal gangs, such as outlaw motorcycle gangs ...

ACT Policing will continue to proactively target, prosecute and disrupt those involved in serious and organised crime in the ACT, regardless of any individual affiliation.

The key sentence in the statement is:

... it is important to note that no single power should be seen as a cure-all and serious and organised crime is not limited to openly identifiable criminal gangs, such as outlaw motorcycle gangs ...

If the one piece of legislation that the opposition want to see as the cure-all would work then why do we in the ACT have a lower number of criminal gang members per 100,000 in population than any state with anti-consorting laws—a lower number of criminal gang members compared to any state with anti-consorting laws in Australia?

### **Environment—Namadgi National Park**

**MS ORR:** My question is to the minister for environment. Minister, why is the government taking steps to protect the Namadgi National Park?

**MR GENTLEMAN:** I thank Ms Orr for her very important question and, of course, her passion for protecting our environment. It is something that many on the other side could learn from. We are taking action because these unique wetlands provide a good home to a range of flora and fauna. Our high country bogs and fens are unique ecosystems that occur along high country streams, drainage lines, valley edges and valley floors more than 720 metres above sea level in the ACT. They are permanently waterlogged and typically have no trees due to strong, cold winds that sweep the area.

Namadgi's bogs and fens are home to the critically endangered northern corroboree frog. The bogs are also habitat for the native broad-toothed rat, the alpine tree frog, Reik's crayfish and alpine spiny crayfish. We are also taking action because of the sphagnum bogs and the subalpine streams in and around our national park. Canberra has some of Australia's best and most reliable drinking water. I can advise the Assembly that I have added high country bogs and associated fens to the ACT threatened ecological communities list. I have taken this action in part because of the threat posed by feral horses across the border.

**MS ORR:** Minister, why is it important to protect the territory and the broader environment against feral horses?

**MR GENTLEMAN:** Feral horses pose a real threat to Namadgi National Park. Namadgi is a very important part of the city's water supply and security, but it is all under threat. To protect Namadgi, we need to ensure the proper management of the feral horses in the neighbouring Kosciusko National Park. Sadly, in New South Wales the Liberal government has taken a reckless course of action that will increase the number of feral horses. It is not a matter for another jurisdiction; feral horses pose a real threat to the territory's beautiful environment. *(Time expired.)*

**MS CODY:** How does this government's actions on feral horses compare to other governments' actions?

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, enough!

**MR GENTLEMAN:** The advice from scientists and rangers is clear. Feral horses are increasing across the border in New South Wales, and we must take action. This government is acting. Sadly, the same cannot be said for the New South Wales government. They have been misguided by rose-tinted nostalgia, endorsed by the shadow minister against the environment opposite.

Evidence in recent weeks has emerged that New South Wales did not trap and remove any feral horses last winter from Kosciusko National Park—no doubt actions that the shadow minister against the environment supports. The reckless and flawed New South Wales legislation must be removed and measures must be taken to effectively manage feral horses in New South Wales.

**Mrs Dunne:** On a point of order, rulings have been made in the past—and Mr Gentleman is a serial offender. He has been asked to withdraw that comment in the past. This is not the first time he has offended.

**MADAM SPEAKER:** I ask you to withdraw and just refer to people by their proper name or their title.

**MR GENTLEMAN:** Thank you, Madam Speaker. I withdraw. However, it is becoming clear that the Liberal Party is missing in action in New South Wales, in the commonwealth and here in the ACT. The Labor Party across the three jurisdictions—

**Mr Coe:** On a point of order, Madam Speaker, in light of last sitting's ruling and your comments this morning, I ask whether it is appropriate to say, "I withdraw. However," because that seems to me to be a conditional withdrawal.

**MADAM SPEAKER:** No. The "however" was attached to the sentence about how he is dealing with the brumby situation. That was my interpretation. Minister, you have 23 seconds left.

**MR GENTLEMAN:** Thank you, Madam Speaker. I want to reiterate that in regard to the environment Canberrans need ministers who care about the environment, not the bygone era of white picket fences.

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

## **Answers to questions on notice**

### **Question 2157**

**MS LEE:** In accordance with standing order 118A, I ask the Minister for Education and Early Childhood Development for an explanation for the lateness of the answer to a question on notice that was due on 17 March. That is question 2157, which relates to tracking of bullying reports within the directorate. I ask for an explanation as to why this question on notice was not answered in the time frame set out in the standing orders.

**MS BERRY:** Yes, the explanation is that I had to leave home early this morning to attend a radio interview with Ms Lee. I left that answer to the question on notice at home. It is now in my office and you will get it shortly.

## **Supplementary answers to questions without notice**

### **Children and young people—care and protection**

**MS STEPHEN-SMITH:** On Wednesday of the last sitting week in question time, I made a statement in relation to a court case. In response to a question I was asked, I said:

The case was heard in full in 2014. The decision was handed down in 2018.

To correct the record on this, while the original case was heard in 2014, the Supreme Court appeal to which I was referring was actually heard in April 2015.

### **Crime—motorcycle gangs**

**MR GENTLEMAN:** There was a question earlier to the Attorney-General on the names of outlaw motorcycle groups in the ACT. The four groups are Nomads, Comancheros, Satudah and Rebels.

### **Environment—Namadgi National Park**

**MADAM SPEAKER:** Can I go back to the point of order raised by Mr Coe? I was very clear in my understanding that it was not a qualified withdrawal. But I ask the minister to be absolutely clear for everybody that there was no qualification to the withdrawal.

**MR GENTLEMAN:** I withdraw, unqualified.

**MADAM SPEAKER:** Thank you, minister.

**Mrs Dunne:** On a point of order, Madam Speaker.

**MADAM SPEAKER:** Yes.

**Mrs Dunne:** I ask you to reflect on what sanctions might be appropriate for a member who persistently calls a member by a particular name that has been ruled out of order. To my recollection, I called Mr Gentleman to order on this on one occasion when I was occupying the chair. I recollect that you may have done that on other occasions as well.

**MADAM SPEAKER:** All right. I will take some reflection and time and come back as I can.

## Papers

**Madam Speaker** presented the following papers:

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(1)—Independent Reviewer—Report for the period 1 July 2018 to 31 December 2018, dated 1 March 2019, prepared by Professor Dennis Pearce.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 2/2019—Recognition and implementation of obligations under the *Human Rights Act 2004*, dated 22 February 2019.

Standing order 191—Amendments to the following Bills—

Canberra Institute of Technology Amendment Bill 2018, dated 25 February 2019;

Births, Deaths and Marriages Registration Amendment Bill 2018, dated 25 February 2019;

Consumer Protection Legislation Amendment Bill 2018, dated 25 February 2019;

Education (Child Safety in Schools) Legislation Amendment Bill 2018, dated 28 February 2019; and

Residential Tenancies Amendment Bill 2018 (No 2), dated 28 February 2019.

**Mr Gentleman** presented the following papers:

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

Full-time Statutory Office Holders—Determination 4 of 2019, dated March 2019.

Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 3 of 2019, dated March 2019.

Head of Service, Directors-General, Executives—Determination 2 of 2019, dated March 2019.

Members of the ACT Legislative Assembly—Determination 1 of 2019, dated March 2019.

Part-time Public Office Holders—Determination 5 of 2019, dated March 2019.

Public Sector Management Standards, pursuant to section 56—Engagements of long term senior executive service members between 1 September 2018 and 28 February 2019, dated March 2019.

Annual Reports Government Agencies Act, pursuant to section 13—Annual Report 2017-2018—Icon Water Limited—Corrigendum.

Auditor-General's Act—Auditor-General's Reports No 11/2018—2017-18 Financial Audits Overview, and No 12/2018—2017-18 Financial Audits—Financial Results and Audit Finding—Copy of letter to the Auditor-General from the Chief Minister, dated 7 March 2019.

Financial Management Act, pursuant to section 47—Instrument of approval of guarantee—Territory's worker's compensation self-insurance licence conditions, dated 26 February 2019.

Safe and Supportive School Advisory Committee—Terms of Reference, dated 18 March 2019.

Workplace Culture within ACT Public Health Services—Independent Review—Final Report, dated 5 March 2019.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Administrator of the National Health Funding Pool—Annual report 2017-18, dated 8 October 2018.

National Health Funding Body—Annual Report 2017-18.

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—Government Response, dated 19 March 2019.

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

Legislation Act, pursuant to section 64—

Agents Act—Agents Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-5 (LR, 25 February 2019).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Professional Standards Council Appointment 2019 (No 1)—Disallowable Instrument DI2019-12 (LR, 14 February 2019).

Civil Law (Wrongs) Professional Standards Council Appointment 2019 (No 2)—Disallowable Instrument DI2019-13 (LR, 14 February 2019).

Construction Occupations (Licensing) Act—

Construction Occupations (Licensing) (Fees) Determination 2019—Disallowable Instrument DI2019-16 (LR, 21 February 2019).

Construction Occupations (Licensing) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-4 (LR, 21 February 2019).

Construction Occupations (Licensing) Regulation 2004—

Construction Occupations (Licensing) (Qualifications) Declaration 2019—Disallowable Instrument DI2019-15 (LR, 21 February 2019).

Construction Occupations (Licensing) (Qualifications—Builder and Building Surveyor Licences) Declaration 2019—Disallowable Instrument DI2019-14 (LR, 21 February 2019).

Gaming Machine Act—Gaming Machine (Determination of Surrender Obligations) Guidelines 2019—Disallowable Instrument DI2019-21 (LR, 1 March 2019).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Investigation into motor vehicle fuel prices in the ACT) Terms of Reference Determination 2019—Disallowable Instrument DI2019-18 (LR, 28 February 2019).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2019 (No 2)—Disallowable Instrument DI2019-23 (LR, 7 March 2019).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation (Manuka Oval) Declaration 2019 (No 1)—Disallowable Instrument DI2019-19 (LR, 28 February 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 2)—Disallowable Instrument DI2019-17 (LR, 22 February 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 3)—Disallowable Instrument DI2019-20 (LR, 28 February 2019).

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 4)—Disallowable Instrument DI2019-22 (LR, 7 March 2019).

Work Health and Safety Act—Work Health and Safety Amendment Regulation 2019 (No 1), including a regulatory impact statement—Subordinate Law SL2019-3 (LR, 21 February 2019).

### **Safe and supportive schools advisory committee—terms of reference**

**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) (3.04): Pursuant to standing order 211, I move:

That the Assembly take note of following paper:

Safe and Supportive Schools Advisory Committee—Terms of Reference.

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

## **Disability services—national disability insurance scheme—government response**

**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) (3.05): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

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*—Government response, dated 19 March 2019.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families, Minister for Employment and Workplace Safety, Minister for Government Services and Procurement, Minister for Urban Renewal) (3.05): The introduction of the NDIS represents transformative change in the way we think about the delivery of disability services in Australia, providing people with disability, their families and carers with greater choice and control to respond to their support needs, and greater certainty that the funding will be there to ensure that their care and support needs are met.

With any change of this size, the most significant social policy reform at the national level since the introduction of Medicare, ongoing work is required to manage the challenges and maximise the opportunities that the NDIS provides. The Standing Committee on Health, Ageing and Community Services conducted its inquiry into the implementation, performance and governance of the NDIS in the ACT at an interesting time in our NDIS journey, during the transition from trial to full scheme.

By the time the inquiry started, most eligible people in the ACT had transitioned from ACT government services to the NDIS, but there were significant changes being made as a result of the national rollout, and there is no doubt that these have affected both new and existing NDIS participants over the past two years.

The ACT's formal NDIS journey commenced in July 2012 when the then Prime Minister, Julia Gillard, and the then Chief Minister, Katy Gallagher, signed the NDIS trial agreement. The ACT was the first state or territory to recognise what an important and essential development the NDIS was, and consequently the first jurisdiction to fully commit to this massive reform. From July 2016, the ACT became the first jurisdiction in Australia to accept all eligible participants into the scheme.

The move to individual choice and control and a market-based model of support under the NDIS was a major change for organisations as well as individuals across the ACT. It has transformed the way in which the community supports and includes people with disability, their families and carers, providing greater choice and control and a lifetime approach to a person's support needs.

With the introduction of the NDIS, both the ACT and commonwealth governments were required to invest heavily in preparing people with disability, their families and carers, the local community, the disability sector and government agencies to ensure that they were prepared for the commencement of this significant reform.

On 21 March 2013, the parliament of Australia passed the National Disability Insurance Scheme Act 2013. This created the scheme and the National Disability Insurance Agency, or NDIA. During the trial phase, the NDIS act required existing ACT government safeguarding mechanisms to operate until a nationally consistent approach was developed and implemented. The ACT will become part of the new national arrangements at full rollout of the scheme from July 2019. During the trial and transition phase, the ACT government has borne about 60 per cent of the estimated costs of the NDIS in the ACT. From 2019-20, the funding arrangements will change, moving to a per capita model, with the ACT paying around half of a significantly higher total figure. In the next financial year, the ACT government will contribute \$167 million to the NDIS, a significant financial investment towards supporting people with disability.

The NDIS has required not only significant financial investment but also the investment of our attention, energy and advocacy and, at times, patience. I am proud to say that ACT government officials have risen to the occasion. The ACT government and commonwealth worked together to prepare people with disability, their families, carers and community service providers, which was fundamental to the successful implementation of the NDIS in the ACT. This included the establishment of the ACT NDIS task force in October 2013, which led a whole-of-government approach to preparing the ACT for the NDIS trial. The task force comprised cross-government representatives from education, health, mental health, housing, finance and disability policy and services who worked hard to support the whole community to understand and benefit from the opportunities the NDIS offered Canberrans.

This included the implementation of a sector development program focusing on the needs of community organisations to adapt to the new environment, such as looking at their governance, financial management, collaboration and strategic risk planning. The task force provided intensive support for shared lessons, collaboration and strategic alliances across disability and non-disability organisations in the community sector.

We continue to punch above our weight, with the ACT leading the national mental health interface working group. The group is progressing important work. I look forward to updating the Assembly when we have agreement to its work plan from the Disability Reform Council.

Madam Assistant Speaker, I would like to take this opportunity to acknowledge the significant work that ACT government directorates are doing to ensure that the NDIS is working for people in the ACT. This includes Canberra Health Services, the Health Directorate, the Justice and Community Safety Directorate, the Education

Directorate, Treasury and areas of the Community Services Directorate that all continue to work collaboratively with the Office for Disability on this important work.

It is pleasing that since the hearings for the standing committee's inquiry, significant milestones have occurred, such as the NDIA's review of the participant pathway, including the changes that have occurred for people with hearing disability, which I know the committee took a particular interest in. I intend shortly to provide the federal minister for disability and chair of the COAG Disability Reform Council, the Hon Paul Fletcher MP, with the standing committee's report and the ACT government response for consideration and circulation to appropriate commonwealth agencies.

In line with the response, these will also be provided to the NDIA board chair and CEO, as a number of the recommendations relate to actions that can only be taken by the NDIA or the commonwealth, not the ACT government. The ACT government response highlights the programs, initiatives and advocacy that the ACT has provided to progress the NDIS in the ACT and confirms our commitment to improving outcomes for NDIS participants, families, carers and providers.

The ACT government has already commenced work towards addressing some of the recommendations made in the standing committee's report. Our response to the inquiry also clearly articulates who has responsibility for action on the recommendations. This is because, as noted previously, a number of recommendations would require action by the NDIA and/or the commonwealth government.

The majority of the report's recommendations are noted, agreed or agreed in principle. Where recommendations have been noted, this is because implementing the recommendation will require future budget consideration, the remit of work is a responsibility of the commonwealth, or the work has been or will shortly be addressed by the commonwealth. There are a small number of recommendations that have not been agreed. This is because responsibility for the activity rests with the commonwealth and it would not be appropriate, or in some cases even possible, for the ACT government to undertake the activity or reporting the committee has recommended.

As I stated during my opening address at the hearing for this inquiry, we recognise that the NDIS experience has not been uniformly positive. As more people than ever before receive the supports they need, when they need them, there will be challenges. The period of national transition in particular has created significant uncertainty for too many participants and providers. The ACT government has continued to advocate for participants and providers throughout this period to see improvements in pathways, communication and a better understanding of people with disability as unique individuals, and particularly to seek better outcomes for people with psychosocial disability or complex needs.

I would like to thank the contributors to the inquiry process who shared their experiences and impacts of the NDIS, both positive and negative. Their frank and fearless evidence informed the standing committee's report and, as the saying goes, we cannot change what we do not acknowledge.

I would also like to reassure those who contributed to the inquiry that the ACT government heard your concerns and the issues you raised, and we are committed to continuing to advocate for those issues directly with the commonwealth to ensure that the scheme provides meaningful choice for NDIS participants in order that they can live the lives they choose.

We will continue to work with the NDIA and the commonwealth to strengthen the linkages and pathways that are crucial for providing quality and diverse supports. I would like to acknowledge the significant work of the standing committee members, particularly the chair, Ms Cody, and former chair Mr Steel, and the deputy chair, Mrs Dunne. All committee members clearly took a strong interest in the inquiry, as did other members of this place, including the shadow minister Ms Lee, who participated actively in hearings. Thank you also to the secretariat to the committee.

Madam Assistant Speaker, I commend the ACT government response to the report of Standing Committee on Health, Ageing and Community Services on the implementation, performance and governance of the National Disability Insurance Scheme in the ACT to the Assembly.

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

### **ACT Health—workplace culture**

**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) (3.14): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Workplace Culture within ACT Public Health Services—Independent Review—  
Final Report, dated March 2019.

**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) (3:15): I am pleased today that Mr Gentleman has tabled the final report of the independent review into the workplace culture within ACT public health services. Members will recall that on 10 September I announced the establishment of the review. On 21 September the government announced the terms of reference and the appointment of the independent panel to lead the review.

The terms of reference asked the panel to examine and report on the culture within the public health system; examine claims made in relation to inappropriate conduct, including systemic and institutional issues; review workplace policies to ensure their effectiveness; and provide recommendations to the government to improve workplace culture across the ACT public health system. As per the terms of reference the panel delivered its interim report to me on 30 January and it was subsequently released on 1 February.

The panel has now provided its final report to me, which was publicly released on 7 March and which has now been tabled in the Assembly. I take this opportunity to acknowledge the outstanding work that panel chair, Mick Reid, and his fellow panel members, Fiona Brew and Professor David Watters, have done. I thank them for the considerable knowledge and expertise they brought to this task, their compassion for staff and their candour to the ACT government.

Over 2000 people engaged in the process and the panel members held close to 100 meetings and workshops during the course of the review. Through the consultation process the panel received close to 400 submissions, held around 55 in-person meetings, 19 phone meetings and 27 workshops. These numbers are a testament to the confidence staff had in the panel to maintain their privacy and formulate appropriate recommendations.

The government has agreed to all of the recommendations of the final report in principle. Minister Rattenbury and I, as well as the director-general and CEOs of Canberra Health Services, Calvary Public Hospital and ACT Health will now carefully consider the final report's contents and how best to implement the recommendations. As per the terms of reference, the government will also table a response to the final report in the Assembly within three months and provide regular reports to update on progress against the recommendation.

Our ambition is to build a happier and healthier health service territory wide. We have begun that journey after last year's changes, but the final report has clearly provided a safe way for people to raise concerns they previously had not been able to. The government recognises the importance of working closely with staff and stakeholders to ensure the recommendations are implemented in a way that drives the change we need to see. I particularly welcome the recommendation to chair the oversight committee and to combine with key stakeholder and representative bodies to make a shared public statement of commitment. To this end I have asked the cultural review oversight group, which I will chair, to meet by the end of March. Through the establishment of strong governance processes we will ensure territory-wide implementation is effective and efficient and that staff and stakeholders are genuinely engaged.

I do not shy away from the fact that the report at times makes difficult reading. It is disappointing to read that staff working within our health system have experienced bullying, intimidation and harassment. It is disappointing to read that organisations have not been effectively addressing concerns raised by staff and that governance and complaints handling processes were inadequate.

I have said on many occasions and reiterate that the negative behaviours being experienced by staff within the ACT public health system are unacceptable, and we are committed to making sure that these stop. This journey of change started last year with the most significant governance reform in decades through the creation of the ACT Health Directorate to lead the territory-wide strategic and policy direction of the health system, and Canberra Health Services to deliver high quality, acute and non-acute health services to the community. I was pleased that much of the good work

that has commenced over the past 12 months was recognised by the review panel in their report, and I am confident that we will see positive improvements continue to be made to workplace culture.

The report notes that the quality of care is high but that for a variety of reasons, systems and processes have let staff down. If this changes, the level of care can be even higher. That is our shared ambition and this work is already under way. As noted earlier, we will be establishing a strong governance framework to ensure that the recommendations are implemented.

The Health Directorate, as system steward, will lead the response to ensure that a consistent and territory-wide approach is taken. The executive structures within ACT Health Directorate, Canberra Health Services and Calvary Public Hospital have been or are in the process of being reformed to ensure that we have the right people in the right places to lead a contemporary health service across the ACT. There has been a rigorous focus on stabilising and refining organisational structures and working closely with staff throughout.

I was pleased to read in the final report that cautious optimism was expressed by many within the services regarding the new leadership. The leadership team across ACT Health, Canberra Health Services and Calvary Public Hospital must look after the people who deliver patient care to our community. Ensuring that staff feel valued, are confident and express their views without fear or favour and can work together effectively are of the utmost importance to us all.

The issue with culture within public health services has been raised as a concern at a national level; it is not a challenge unique to the ACT. The review and its recommendations provide us with a significant opportunity to lead the nation in developing a positive workplace culture across our health systems. I was pleased to share information about the approach the ACT is taking at the recent COAG health council meeting. I foreshadowed a future item at that meeting so that all health ministers across the country can make a clear statement about workplace culture and our public health services.

I was heartened by the significant interest and engagement from staff and stakeholders in the review. At the outset of this project stakeholders played an important role in contributing to the terms of reference. Significant stakeholders also supported a robust review rather than holding a lengthy, potentially divisive, expensive court of inquiry. I do not believe it would have provided the fundamental recommendations for cultural reform of our health system.

The government has now instituted and delivered a final report to ensure that staff can get on with the job of delivering health services to our community. I am firmly of the belief that a board of inquiry would have been a detrimental course of action. The final report and the feedback I have received from stakeholders demonstrate that the government's decision to undertake an independent review was the right one. It has fundamentally gotten to the core of the culture issues in ACT public health services and has allowed staff and stakeholders to be heard, to share their experiences and their stories and contribute in a positive way to real change.

I would like to mention that the Canberra Liberals have had nothing positive to say about the ACT public health system. They are masters of relentless negative commentary. I believe this approach is destructive and disrespects the staff who have had the courage to come forward and participate in this review. I hope this now stops. I hope that all of us are able to make a positive change, support the recommendations of the final report and especially support the staff who work tirelessly every day to deliver health care to Canberrans.

The panel has provided a clear way forward. I again thank the members for their expertise, their leadership and their compassionate approach in the conduct of this review. And I thank staff for their engagement throughout the process. I look forward to working with staff across the public health system as we implement the changes that will ensure that the ACT public health system is the best can be.

**MRS DUNNE** (Ginninderra) (3.23): I welcome the opportunity to make some comments in *Hansard* in relation to this very important report. It is interesting to hear the change in expression from the minister over the period of time. I think it is worth reminding members in this place and, through this place, the community that this is a minister who said that we did not have a cultural problem in the hospital, that we had respectful pathways for dealing with bullying and harassment, and that there was zero tolerance of bullying and harassment in the ACT government. This culture inquiry is not the culture inquiry that the Canberra Liberals called for, but we do not in any way diminish the significant work done by the inquiry and the recommendations they have brought forward.

It is interesting that the minister, who was brought kicking and screaming to this place, has not apologised to the people of the ACT and has not apologised to the health work force for her persistent maintenance that there was not a problem in relation to workplace culture and bullying in the Canberra health system, even now, with the report that we have. As the minister says, it is difficult reading. It was reported to me by someone who read the interim report the weekend it came out that that person, who no longer works at Canberra Hospital, actually found it physically distressing to read the report and to have to revisit the things that she experienced at the Canberra Hospital and in the ACT health service. That has been reported to me over and over again.

I and my colleagues do not resile from standing up for those staff who are physically sick reading the accounts about how they were treated for years. One person that I came across recently had more than five years of being marginalised and given busywork to do: a trained professional who has lost touch with her profession because of the way she was treated in the Canberra Hospital system.

The persistence and the resilience of those people are absolutely gobsmacking: that they would be so brave as to persist as long as they have. They have had, to some extent, a voice through this report. But, as the president of the AMA said the other day, there is unfinished business. There are many people who have not received acknowledgement of their circumstances and the way that they were treated. They have not received an opportunity for reconciliation and recompense for the way that they have been treated.

This is the element of the inquiry which was missing because we did not have a proper board of inquiry. These are the things that the minister wants to brush under the carpet. But these are real Canberra people who have had their lives ruined, their careers ruined, their marriages and their relationships with their families ruined, and some people who have taken their lives. I do not say these things lightly. These are the things that we have been told and these are the things that are already in force.

I had conversations with the reviewers. Without my putting words in their mouth, what they told me were the things that I have been told and the things that my staff have been told. They were talking with people in the same way that I have been talking with people and members of my staff have been talking with people. You cannot have a 10-minute conversation with these people. Because they are so broken, because they are so beaten down by the situation, they need to debrief to you. It takes hours of time to deal with individuals who have had their lives broken in the ACT health system. And I will not resile from saying it as it is.

These are fantastic people. They are brave people. They turned up every day and did their job to make our health system function, and they did it without the assistance of sequential ministers for health in an ACT Labor government who have said over and over again, "We have respectful pathways. We have zero tolerance." Mr Reid and his reviewers showed that there were no respectful pathways, that there was not zero tolerance. Now we have a path forward for the organisation but as yet we do not have a path forward for the individuals within that organisation. Some of those individuals require individual treatment and individual recognition of the way that they have been treated. It is incumbent upon us to find a mechanism for doing that. I hope that the AMA will persist in working to ensure that this unfinished business eventually is finished.

I am concerned in a number of regards. The interim report came down in late January and the final report came down on 7 March. We had six or seven weeks between the formulation of the interim report and the formulation of the final report. And the government's response was to say, "It will take us another three months to come up with a government response." Quite frankly, that is not good enough. The minister should have been in here at the first opportunity telling us what the government response would be, not saying that it is off in the never-never for another three months. If she is serious about looking after the staff of ACT Health, that is what she should have been doing.

We had six weeks warning about what was in the report. There were tweaks at the margins, and we knew that there would be tweaks at the margins, but only at the margins. This minister was not prepared to come out with a definitive and thoughtful response when the final report came down, although she had known for six weeks what the recommendations were. This is just another symptom of this minister's and this government's reluctance to embrace this issue and do something about it which is positive.

I thought it was ironic that the minister used phrases like, "It's our ambition to build a happier health service." This seems to be the minister's first admission that the health

service is unhappy. She did admit that the safe ways that she said were there had not previously actually been there and that this was a failure of governance. She said that it was disappointing. It is more than disappointing. It is negligent on the part of this minister and her predecessors. It is negligent on the part of this minister and her predecessors to have treated ACT Health staff so badly over such a long time.

I will not resile from my support for ACT Health staff or from demanding that they have a bullying-free workplace and a cultural environment which allows them to thrive, to flourish and to provide good service to the ACT community, because it is quite clear and is specifically stated in the final report that there is a clear correlation between poor culture and poor treatment of patients. Until we fix the culture, we will not be able to provide the best possible patient care for the people of the ACT. That is what ACT taxpayers pay for. They pay top dollar for a health system which delivers on good health care. It can only deliver on good health care when it has a happy working environment.

Mr Reid and his reviewers showed that there was not a happy working environment; and not that it was just a little unhappy but that it was significantly, and statistically significantly, more unhappy, a worse place to work, than other comparable health systems. Compared to New South Wales, people in the ACT health system are unhappier about their workplace and less proud of their workplace. And that is not right. Health workers should be able to be proud of the place in which they work, because they provide such a fundamental service to the people in their community. When they cannot be proud of their community because of the way they are treated and the way they have been ground down by successive Labor ministers, there is something seriously wrong.

It is not over. It is not better. Tabling the report and agreeing to the recommendations does not make it better. It is a stepping stone towards making it better. It will take years, as Mr Reid has told us, to make it better. I am a little uncertain as to whether the minister should be overseeing the cultural improvement committee. I think there are arguments for and against that. The fact that she is means that we will be holding her accountable. We will be looking at the annual reports of this cultural improvement process. We will be ensuring that the measures that are reported on are real and measurable and that over time we do see an improvement in the culture of the ACT health system, as widely defined. There is much that needs to be done.

This review is welcome. It shows how misguided and misleading to the ACT community the minister has been. She persistently said that there was not a problem. This report definitively shows that there is a problem. This minister is now principally responsible for the solution. She has to lift her game fairly significantly, because she has not been a great performer in terms of delivery on policy and delivery on initiatives, not just in the health portfolio but across her portfolios. She has to seriously lift her game for the benefit of the workers in the ACT health system and the wider benefit of the ACT community.

Question resolved in the affirmative.

## **Woodland conservation strategy—progress report 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) (3:36): I am pleased to discuss the achievements of this government in helping improve our environment. Canberra is home to unique woodlands that provide home to a number of flora and fauna. To help protect this landscape, the Nature Conservation Act 2014 requires the Conservator of Flora and Fauna to report to me every five years on the implementation of action plans for the protection of threatened species and ecological communities and to make the report publicly accessible.

The conservator has provided me with a progress report on the ACT lowland woodland conservation strategy. The report highlights the importance of our unique and endangered woodlands, including as habitat for several threatened species. It also documents the extensive research, regeneration and restoration work that has occurred in recent years.

For a long time Aboriginal people were the sole managers and carers of what was once an extensive and diverse mosaic of woodlands across the ACT and region. By respecting and embracing their knowledge and deep connection to and understanding of the landscape we can better care for our box gum woodlands and native birds. The ACT has retained over a third of its original woodland, much of which is protected within our many nature reserves.

The progress report notes that there are some 10,000 hectares of lowland grassy woodland in our nature reserves, with over 2,000 hectares added under the current Labor government since the commencement of the strategy. The habitat our woodlands provide for threatened species is critically important and we are fortunate to be custodians of some of the most well-connected and biodiverse woodland in Australia. We have a collective responsibility to protect biodiversity for all Australians and for future generations. The progress report outlines a range of research projects aimed at improving our understanding of threatened species, including research on the superb parrot, the Tarengo leek orchid and the small purple pea. The report also notes a number of projects that have excelled over the past five years.

The first of these is Mulligans Flat Woodland Sanctuary, and I acknowledge the world-class research being undertaken by the partners involved in the sanctuary. The Mulligans Flat Woodland Sanctuary is a feral predator-free reserve protecting critically endangered box gum woodlands. It is the site of the successful reintroduction to the ACT of the eastern bettong, eastern quoll, New Holland mouse and the bush stone-curlew. The sanctuary is going from strength to strength, with the predator-proof fence being extended to triple the size of the sanctuary from 485 hectares to 1,555 hectares, with plans in train for a Mulligans Flat ecotourism centre.

The sanctuary is managed by parks and conservation service in partnership with the Woodlands and Wetlands Trust and relies on significant support from the broader community and research partnerships which, collectively, are producing important woodland restoration outcomes and significant research findings. Expanding the sanctuary is part of a national effort to increase safe havens across Australia and building collaboration in the recovery of threatened species. The national Landcare program contributed \$600,000 to extend the fence, which was more than matched by the ACT government.

I would also like to draw members' attention to the woodlands restoration efforts that have been consolidated and connected 60,000 hectares of the largest remaining box gum grassy woodland landscape in Australia. Significant investment in woodland restoration has been achieved through the one million trees program, the ACT woodland restoration, national Landcare program, Barrier Hill restoration and the restore ACT and greater Goorooyaroo woodland project.

Tree planting has significantly improved woodland connectivity between woodland remnants, our nature reserves and across the border into New South Wales. Key areas of focus include the Murrumbidgee River corridor, the greater Goorooyaroo region extending into New South Wales, the Majura Valley and Belconnen hills. Restoring habitat through replanting, reintroducing woody debris and surface rock and weed and pest animal control is fundamental to improving the chances for recovery of threatened birds, including the superb parrot.

These important outcomes have been achieved by the ongoing support and collaboration between the ACT, New South Wales and commonwealth governments, Greening Australia, the Australian National University, CSIRO, the Woodlands and Wetlands Trust, the Canberra Ornithologists Group, community Landcare and Parkcare and, of course, the broader community. Ongoing collaboration, innovative research and on-ground management carried out by passionate people is truly the recipe for good conservation outcomes in our woodlands. I am thankful to the numerous volunteers and organisations such as Greening Australia and the Molonglo Conservation Group who continue to provide an invaluable contribution to the restoration of ACT woodlands. It is both necessary and appreciated. Protecting our environment is a shared, collective effort, and our success is only possible with these partners and the Canberrans who generously give up their time.

We, of course, need to build on these successes and continue to proactively manage our woodlands that provide shelter for animals, store carbon, protect water quality and provide recreation opportunities for the community. Research continues on understanding the impacts of climate change and potential future scenarios for protecting, managing and conserving woodland ecosystems. Further on-ground restoration is also needed. For example, with commonwealth funding of \$1.5 million over the next five years through the national Landcare program we will work with ACT rural landholders and Greening Australia to enhance woodlands and biodiversity on farm.

The progress report has informed the development of the new woodlands conservation strategy that will guide the protection, restoration and management of our precious woodlands for the next 10 years. The new draft strategy and action plans will be released for public consultation in the coming months. I look forward to a future where our woodlands are celebrated because of their contribution to nature conservation locally and globally and because their management reflects the deep connection our traditional custodians have to our landscape and its management. In closing, I present the following papers:

Woodlands Conservation Strategy—

Progress Report—Ministerial Statement, 19 March 2019.

Woodlands for Wildlife—ACT Lowland Woodlands Conservation Strategy—  
Progress Report 2018.

I want to place on the record my thanks to the dedicated, hardworking staff within the Environment, Planning and Sustainable Development Directorate, including our parks and conservation service. Without their passion and commitment, we would not have the bush capital that Canberrans are so proud of. I move:

That the Assembly take note of the papers.

Question resolved in the affirmative.

### **Alexander Maconochie Centre—report of a review of a critical incident—government response Ministerial statement**

**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) (3:43): I welcome the Inspector of Correctional Services' first report, a report of a review of a critical incident, assault of a detainee in the Alexander Maconochie Centre on 23 May 2018 that was provided to the Speaker on 22 October 2018.

This report is the first critical incident review tabled in the Legislative Assembly since the commencement of the inspector function. The review was conducted on the inspector's own initiative following notification of an assault of an Indigenous male detainee at the AMC and his subsequent hospitalisation on 23 May 2018. The detainee was treated for minor injuries and was subsequently returned to the AMC. ACT Corrective Services duly reported the incident to ACT Policing for investigation.

Establishing an Inspector of Correctional Services was a commitment of the government in response to recommendation 8 of the Moss review following the death in custody of Steven Freeman at the AMC in 2016. The Moss review recognised that effective independent oversight is vitally important to maintain public confidence in our correctional system.

Following the Moss review and in recognition of the unique makeup of the ACT's correctional system and increasing population pressures, I determined that a new model of oversight was required. The ACT government committed to establishing an external and independent inspectorate of correctional services intended to strengthen and improve existing oversight arrangements. The ACT government allocated \$1.661 million over four years to establish an external and independent inspectorate of custodial services to strengthen and improve oversight arrangements.

On 30 November 2017 the Assembly passed the Inspector of Correctional Services Act 2017. This legislation establishes an independent inspector tasked with conducting biennial reviews of ACT adult correction facilities and, by the end of 2019, youth justice centres. The act ensures that the inspector makes these reports public unless there are public interest grounds against disclosure.

In May 2018 the ACT government announced the appointment of Mr Neil McAllister to the role of the Inspector of Correctional Services for the territory. Mr McAllister has extensive experience conducting comprehensive reviews of correctional facilities across Australia and providing clear advice to governments on ways to improve operations and policies. The office of the Inspector of Correctional Services is now fully operational and is committed to ensuring continuous improvement through its systemic and regular reviews of correctional services.

The act provides for the inspector to examine and review ACT Corrective Services responses to critical incidents. Critical incidents are defined in the act to include circumstances where a person's life has been endangered; there is an escape, hostage situation, a riot or serious assault; or any other incident identified as a critical incident by a relevant minister or relevant director-general. This review function provides insight into broader systemic issues that may be raised by individual incidents and helps lead to sustainable change towards best practice in correctional services in the territory.

Further to this, Australia's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, otherwise known as OPCAT, will allow visits from the United Nations subcommittee on prevention of torture. The Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018 provides for UN subcommittee visits and enables their access to places of detention, information including detainee records and to interview detainees and other people.

The OPCAT provides a framework for the preventative approach to oversight which entails visits, including unannounced visits, to all places where people are deprived of their liberty in order to assess risks and ill treatment and make recommendations for improvement. This will provide further transparency and accountability and contribute to strengthening and improving oversight arrangements not only at the AMC but also in other places of detention.

ACT Corrective Services are committed to providing correctional facilities and services where the human rights of detainees are respected and where the safety of

detainees and staff is of paramount importance. Corrective Services takes a proactive and dynamic approach to identify and respond to potential tension within the AMC. Funding of \$8.8 million has been allocated over the next 3½ years as part of the 2017-18 budget funding pool to boost security measures at the AMC. This has included employing additional senior staff to manage security, accommodation and detainee services. It allows the increased management of security and separation issues as well as providing greater protection to vulnerable detainees and the management of tensions between individuals and groups. This funding also supports a dedicated intelligence unit to proactively manage threats to security, including contraband, organised crime and violent extremism.

Despite these measures, unfortunately within correctional centres there always remains an inherent potential for conflict amongst detainees. Often there are pre-existing tensions in the relationships between detainees at the AMC resulting from interactions and associations both in custody but also in the community. Dynamics between detainees is something that ACT Corrective Services staff manage carefully in consultation with individual detainees and also based on intelligence and risk.

The first critical incident review provides assurance that the critical incident was not reasonably foreseeable by Corrective Services and makes 10 findings and one recommendation for the ACT government to consider. The findings of the report have all been noted and provide assurance that Corrective Services responded to this critical incident appropriately and complied with relevant policies and procedures when responding.

The ACT government notes the comments made by the inspector about clarifying sections 17(2) and 27 of the act respectively and will further consult on how the further interpretation of the act can be strengthened. If necessary, legislative reform will be progressed to address these matters. In the meantime Corrective Services will prepare guidance protocols in consultation with the inspector to clarify potential areas of ambiguity within the act. This will involve updating the existing memorandum of understanding between ACT Inspector of Correctional Services and ACT Corrective Services concerning critical incidents. As a new piece of legislation and oversight function, the ACT government continues to work closely in consultation with the inspector on the operation of the act.

The ACT government has agreed in principle to the recommendation made in the review that suggests that ACT Corrective Services policies and procedures should be reviewed so that in the event of injury or illness affecting an Indigenous detainee, where possible and appropriate, a person of Aboriginal and Torres Strait Islander descent notify the next of kin of the detainee. Corrective Services are finalising a review of all policies and procedures as part of a comprehensive reform program. This review process addresses the need for a definition of strict protection and references the Indigenous liaison officer or Indigenous case manager in relevant policy documents.

I acknowledge previous comments highlighting the importance of next of kin notifications in both the national report of the Royal Commission into Aboriginal Deaths in Custody in 1999 and the Moss review in 2016. Corrective Services policies

provide the specific arrangements for the notifications of next of kin. This policy prioritises the timeliness of notifications of next of kin in all instances where a detainee is admitted to hospital.

Corrective Services acknowledges that conveying information to next of kin about a serious injury to a detainee is an emotionally sensitive matter. In such cases due consideration is given to the cultural sensitivities of the notification process. Corrective Services will use an Indigenous liaison officer in such cases wherever possible. However, the unpredictability of critical incidents and the need for timely advice to next of kin means that the availability of an Indigenous liaison officer is not always possible.

Under the 2017 MOU between ACT Policing and ACT Corrective Services, ACT Policing have primary responsibility for coordinating notification of the next of kin of an Aboriginal and Torres Strait Islander death in custody. Corrective Services provide where appropriate a designated Aboriginal and Torres Strait Islander representative from Corrective Services to accompany police or the ACT Coroner's Court representative to provide cultural support when notifying next of kin. This notification process acknowledges that at all times notification should be given in a sensitive manner respecting the culture and interests of the persons being notified.

The ACT government recognises that ongoing consultation and collaboration with the local Aboriginal and Torres Strait Islander community is required to continue to operate within the spirit of recommendation 19 of the national report of the Royal Commission into Aboriginal Deaths in Custody. The ACT government is satisfied that the current Corrective Services practice for notifying next of kin when a serious incident or illness occurs is appropriate for all detainees at this time.

I take this opportunity to thank the inspector for his report and its findings and recommendation. The independent oversight provided by the inspector is important to build and maintain public confidence in the ACT's correctional system and helps contribute to the continuous improvement of the care, treatment and safety of all detainees.

I table the government response in the Assembly and present a copy of the statement:

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—

Government response.

Ministerial statement, 19 March 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Developing young writers and performing and visual artists**

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

**MADAM ASSISTANT SPEAKER** (Ms Orr): Madam Speaker has received letters from Miss C Burch, Ms Cheyne, Ms Cody, Mr Coe, Mrs Dunne, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton, Mr Pettersson and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mrs Dunne be submitted to the Assembly for discussion, namely:

The importance of developing Canberra's young writers and performing and visual artists.

**MRS DUNNE** (Ginninderra) (3.55): It is apposite that the Minister for the Arts and Cultural Events would this morning table the government's response to a petition calling on this Labor-Greens coalition government to reinstate funding for the H course. I will not dwell on the issue too much now because my colleague Ms Lee will also speak on this subject.

However, let me observe three things about the petition. Firstly, the petition and the minister's response this morning demonstrate this Labor-Greens coalition government's failure to support a program that has developed some of the most talented musicians that Canberra has seen. Secondly, the minister's response demonstrated this government's failure to understand that the H course was, if I can use the pun, instrumental in pointing some of Canberra's most talented young musicians in the direction of full-time professional careers in music that in some cases has taken them around the world. And, thirdly, it showed up the failure of this minister and this government to understand what it means for young musicians to pursue full-time professional careers in music. It showed a failure to appreciate the multi-pronged benefits that these careers bring not only to the musicians themselves but to Canberra itself.

These young musicians become ambassadors for Canberra as they travel the world, making a name for themselves and, along the way, making a name for Canberra. They will talk about how they were educated. They will talk about Canberra's qualities as a tourist destination. They will talk about Canberra as a great place to live and grow up and nurture your career. Unfortunately these benefits will be lost to those audiences in the future because of this Labor-Greens coalition government's short-sightedness.

It beggars belief that this Labor-Greens coalition did not observe and learn from the long-term, ongoing effects of the decimation of the ANU School of Music in 2012. Where once the ANU School of Music was a place of learning to which music students Australia wide aspired to attend, it became a place for students to avoid. And it remains a place that struggles to find its direction. That this government would regard the H course as misdirected funding for the elite and try to confuse things by calling it something else, demonstrated by the minister's waffly response to the petition, is testament to its lack of understanding and misdirection in policy making.

There are other arts organisations that this Labor-Greens coalition fails to understand—I am hearing it—and one of them that I would like to dwell upon today is radio station ArtSound FM. And may I remind members that I am known to be a passionate and longtime supporter and member of ArtSound, and my senior adviser is an honorary life member.

This government says it does not fund ArtSound to “spin discs”. And, indeed, ArtSound does not use its funding for that purpose. It was dismissive and disrespectful of the organisation when the official used that expression a couple of years ago. And it shows a complete lack of understanding by this government of what ArtSound does. It is completely ignorant of the fact that ArtSound does much more.

Does it know about ArtSound’s presenter training programs that give members of the community the artistic skills of program preparation and presentation, interviewing and public speaking and an awareness of and appreciation for a wide range of music genres? Does it know that ArtSound’s on-air programs are presented to include music by local artists, sometimes recorded in ArtSound’s own recording studio, a studio, I might add, that was put together through the grit and determination of volunteers? The cost of reproducing those studios now would be substantial indeed.

Does the government know that ArtSound’s on-air programs expose audiences to music which they would never have considered before, including by local artists, and which fills a yawning gap in broadcasting practices by other stations in Canberra? Does it know that ArtSound promotes artistic events of Canberra’s arts organisations, both online and on air?

Does the government know that ArtSound is a sponsor of the young virtuoso competition? This national competition is open to aspiring classical instrumentalists under 25 and singers under 30. Canberra has produced two national winners in the past five years, both of them classical guitarists, Andrey Lebedev and Stephanie Jones. The ACT winner in 2017 was young pianist Hanul Lee, who migrated from Korea only six years ago. The competition was broadcast live on ArtSound FM and featured three other young artists, guitarist Owen Elliott, double bass player Hayley Manning, and flautist Ev Ramadan.

Does this government know that the 2017 McNair ingenuity research survey tells us that on average 49,000 Canberrans listen to community radio for almost 12 hours every week and that some 49,000 Canberrans listen mainly to hear local information and diverse specialist programs not heard elsewhere? They listen too because, like all community radio stations, ArtSound is independent; it is not owned by big business or government. They listen because they hear local voices telling local stories and playing local music. That is just what ArtSound does. Madam Assistant Speaker, I am sure you will agree, even if the Labor-Greens coalition government does not, ArtSound does a lot more than spin discs.

Another program that this Labor-Greens coalition has defunded is the music engagement program. This program was run out of the ANU and involved primary

school students in singing and choir programs. Of particular interest is that these students were taken to aged care residences for them to entertain residents. But entertaining residents was only part of it. These children, not even in their teens, would spend time talking with residents, hearing their stories and learning about what it was like to live in the olden days.

Of even more interest is that the music engagement program helped these children build social skills. They often came from disadvantaged backgrounds and it helped them to build self-esteem, to make them better students academically. It helped them to build respect amongst children. It actually helped make disruptive students more cooperative and more engaged with other students, their teachers and their learning. But this Labor-Greens government did not see any value in the music engagement program.

Let me finish with just a few words about some of the other Canberra arts organisations and what they are doing to engage and develop young artists. It is only a very select few organisations that receive government funding. Most of them run on the smell of an oily rag but do extraordinary things. Young Canberran authors have done well in the young writers awards. Our Canberra Youth Orchestra has done well as it trains groups and is producing the next generation of fine music performers.

The Woden Valley Youth Choir has celebrated 50 years of developing young Canberra singers. The Canberra Children's Choir trains children as young as eight years old. Canberra Youth Theatre has a range of programs to develop young performers and technicians. And yes, I acknowledge that the government provides funding to some of these organisations.

There is a string of arts organisations that have programs for young artists. Strathnairn, in my electorate of Ginninderra, does, as does the Capital Arts Patrons Organisation through its emerging artists prize exhibition and of course the ANU school of art does, particularly through its emerging artists scheme. And I need to place on the record that my son is now a student at the ANU school of art and perhaps one day he will benefit from the emerging artists scheme award as well. Here's hoping. This Assembly supports this scheme through the Speaker's art award, and it was always a great pleasure and a highlight of my years as Speaker to be able to participate in that.

Dance in Canberra is well served by organisations like Ausdance, not to mention the myriad dance schools across Canberra. We saw Canberra-born Drew Hedditch become a lead dancer with the Australian Ballet last year. We can go through a whole range of other organisations that mentor young artists of various sorts: Ickle Pickle theatre company; Phoenix Players, where some of my children got their first experience of treading the boards; Free-Rein Theatre Company and their mentoring program, just to name a few.

There are some big names that have come out of the Canberra arts scene who have been nurtured in this town. There are dozens, hundreds more, beside little community groups and passionate individuals all making a difference in our community,

enriching our community and enriching the people around them through their participation in the arts. We must celebrate them. We must encourage them, and this Labor-Greens government must acknowledge them.

**MS LEE (Kurrajong) (4.05):** I thank my colleague Mrs Dunne for bringing on this matter of public importance for debate today. It goes to the heart of the importance and value of providing a first-class education for the ACT's young people and in this instance for our aspiring writers and performing and visual artists. Mrs Dunne has been a strong advocate for the arts community here in the ACT and her speech just now highlights her strong commitment to the delivery of quality arts programs and the educational opportunities for people who wish to pursue a career in the arts.

For young music students wishing to pursue a career in classical music or jazz, the H course was seen as a long-running and successful entree for students. It provided unique and, for some, otherwise unaffordable opportunities to be tutored by the leaders in their music fields. As we know, the H course for Canberra music students in years 11 and 12 is no more. It became a victim of either an ideological or a funding stoush, depending on what sources you wish to believe, between the ANU School of Music, artsACT and the ACT government.

The H course and its predecessors have been running since 1982. Thousands of students have benefited from the course which gives them high level music theory tuition and supervised instrument practice in a tertiary environment. The results go toward their Australian tertiary admission rank, or the ATAR, and it is one of a number of H courses available to ACT students. The 2017 Education Directorate annual report says that 169 students from 17 colleges completed an H course through the Australian National University extension program in 2016, with 30 students completing H courses at the School of Music.

When I raised the axing of the H course in a motion in the Assembly last year I reflected on the range and depth of musical talent among the graduates of the H course and the beneficiaries of the rather small but effective financial support. I noted how blessed the ACT is in music talent. I spoke of the Canberra Youth Orchestra, the Canberra Symphony, the National Capital Orchestra, Canberra Sinfonia, and the Maruki Community Orchestra, not to mention the numerous choirs that also call Canberra home, and the depth of talent in our schools, many of which have their own jazz bands, brass bands, ensembles, string and chamber orchestras. Anyone who has had the opportunity to attend a concert at any number of our schools, both government and non-government, will agree that the standard of the music on offer is exceptionally and amazingly high.

Given that the population of Canberra is only one-tenth of the size of Sydney, to have five orchestras or ensembles, not including the Duntroon Military College Band and the numerous school groups, would seem a very rich supply of music delivery. But that is not by accident, as we have learnt. Leonard Weiss, the now 26-year-old conductor of two of those orchestras is a graduate of the H program, as are many of

their members, and you can see the key drivers that have led to this musically rich resource and just how influential this music for colleges program has been over its 35-year existence.

But that is soon to stop. This year is the last year of its operation for music students. As we know, the ACT government, with little consultation and no plausible explanation, decided this activity must stop. For the sake of a miserly \$275,000 we have lost this potential talent pathway, and we will never really know the true story.

Earlier today the response to the H course petition, signed by over 1,500 ACT residents, was tabled. We remember, of course, that this petition was sponsored by the Greens Ms Le Couteur, the same Ms Le Couteur who voted against the Canberra Liberals' motion to restore funding. The hypocrisy here is absolutely palpable and, whilst she has clearly pulled the wool over the eyes of some of the promising students who have, in good faith, placed their trust in her to stand up for them, I hope that she can go home tonight and look at herself in the mirror and ask whether she has genuinely done anything to help these students.

Obviously whilst the government thought that the axing of the H course in music was no big deal, a number of Canberra residents do not share that view. But wait! We have all been in error apparently. Minister Ramsay, presumably replying in his role as arts and cultural events minister, says it is not the H course in music; apparently it is the music of the colleges program. Silly me! He then takes three pages of inconsequential and apparently irrelevant waffle to conclude:

This significant support to the ANU highlights the government's commitment to the arts and education.

This woeful response from the minister is condescending and disrespectful to the thousands of Canberrans who signed the petition and to the countless promising Canberra music students who will be robbed of their opportunities. He should be ashamed of himself for turning his back on our future musicians. As they say in the classics, tell that to the marines. And, in this instance, tell that to the abandoned HSC music students. The Canberra Liberals know the importance of nurturing study in the arts and we will continue to fight for them. I once again thank Mrs Dunne for bringing on this matter of public importance for debate today.

**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) (4.11): I rise to affirm the importance of developing Canberra's young writers and performing and visual artists. It gives me great pleasure to be able to advise the Assembly of the extensive support, across a broad range of art forms, that the ACT government provides to young artists in our vibrant and creative city. I note in passing that I was very pleased to be able to attend the 50th anniversary gala of the Young Music Society on Sunday at Albert Hall. I affirm the wonderful contribution that they have made and continue to make to this city.

Arts activities funding is available to ACT-based artists at all stages of their careers and to organisations providing the Canberra community with opportunities to engage in the arts. The total pool of arts activity funding available for this financial year is \$775,000. I am pleased to highlight just some of the talented young Canberra writers who have recently been able to secure funding for the development of their careers.

Young writers funded include Emilie Morscheck for the creative development of a young adult fiction manuscript; Lucy Mathews for script development; Callie Doyle-Scott for finalising a manuscript draft; Patrick Mullins for researching for a manuscript; Rosanna Stevens to undertake writing mentorships; and Hayley McQuire to run an Indigenous youth writing workshop.

Young visual artists supported recently via arts activity funding include Daniel Savage, Kate Smith and Benjamin Harb. Young performing artists funded this year include Miriam Pickard to research and write a performance piece; Emily Sheehan to develop a theatre script for production; Christopher Carroll to tour his theatre production; Alison Plevey to create and present a new contemporary dance work; Lydia Monzo to attend residencies and instrumental training; Emma McManus to develop and present a new theatre work; Marianne Mettes to develop a puppet theatre production; and the Griffyn Ensemble to create an all-ages musical playground.

The ACT government also funds the You Are Here arts festival, which features majority young and emerging artists, including writers, and offers an artist development stream for emerging practitioners, who work alongside professional arts producers to further develop their practices and their new works. While almost all of our ACT government-funded arts organisations have significant programs that develop our young and emerging artists, I am happy to highlight some of these for the benefit of those who may not realise, or who may choose not to realise, how heavily we invest in Canberra's creative future.

Through community outreach funding the ANU School of Music receives \$511,000 per year for its music programs, including for young artists and students. The ANU School of Art and Design currently receives \$284,000 over three years for visual arts, including for young artists and students. The QL2 centre for youth dance provides nation-leading youth dance programs and productions for young artists, from primary school to recent graduates and emerging practitioners, and currently receives \$332,000 per year in government funding.

The Canberra Youth Theatre, which provides theatre programs and productions for young artists, currently receives \$250,000 per year in government funding. Warehouse Circus, which runs physical theatre programs for young artists, currently receives \$180,000 per year in government funding. The ACT Writers Centre, which promotes and supports writers across the community, including young artists, currently receives \$168,600 per year in government funding. Notably the Writers Centre runs the New Territory program, which fosters new and emergent writers in the field of arts criticism; and manages the Anne Edgeworth young writers fellowship, which is offered annually.

The ACT government has also recently funded MusicACT with \$108,000 to harness its specialist knowledge and expertise in the live music sector to support capacity-building programs, including in artist management, recording, touring and promoting and to create more opportunities for young musicians to participate in Canberra all-age shows. Music for Canberra, which provides community music programs for all levels and abilities with a youth focus, including young artists, currently receives \$276,500 per year in government funding. Kulture Break's Elevate Academy is currently funded to assist in the development of a creative arts academy specialising in dance and music.

Australian National Capital Artists provides specific exhibition opportunities for young and emerging artists, as well as annual residencies for emerging writers, in conjunction with the ACT government funded *Art Monthly* magazine. Canberra Contemporary Art Space, notably, runs *Blaze*, a major annual group exhibition featuring recent graduates and emerging visual artists.

Ausdance ACT provides, among other things, the youth-mentoring program Elevate for ACT-based dance artists between 16 and 26 years of age. M16 Artspace, the Canberra Potters Society, Canberra Glassworks, Belconnen Arts Centre and Tuggeranong Arts Centre all also deliver a wide range of community arts programs and activities for young people and emerging artists, reaching thousands of young people annually. The government is pleased to support the National Eisteddfod, which plays an important role in developing and nurturing the next generation of musicians.

The government has also been contributing funding annually to Art Not Apart, which is a contemporary arts festival showcasing some of Canberra's most innovative artists, particularly young and emerging artists. The 2019 festival was held just last Saturday and featured over 200 artists of all disciplines, with more than 85 percent of them being from Canberra. I was pleased to be able to attend that festival as well.

The ACT government also values the importance of arts education for all students in Canberra public schools and has a proud history of being involved in a range of quality arts programs and events, including the instrumental music program Limelight and the Arts Up Front annual conference, as well as a range of musical ensembles.

Funding in the Education portfolio has allowed for implementation of the Australian curriculum for the arts, which includes music, visual arts, dance, drama and media arts. Teachers continue to be supported to deliver the arts curriculum through a range of professional learning opportunities, including workshops delivered by expert presenters from the Australian Curriculum Assessment and Reporting Authority. Notably, music is part of the arts learning area of the Australian curriculum and is taught in all ACT K-10 schools, with over 50 ACT public schools currently participating in the instrumental music program, which provides tuition in a range of band instruments and is designed to complement and supplement existing music programs in schools. The program offers a range of tiered extension programs to extend young musicians in ACT public schools and runs four auditioned concert bands and two choirs out of school hours, which regularly perform locally and tour interstate and overseas.

ACT students also benefit from Step into the Limelight, the major arts showcase event for ACT public schools, encompassing dance, drama, media, music and visual art. More than 2,000 students participate in these events annually, spending the prior months working closely with teachers, professional artists, tertiary institutions and arts organisations.

There are obviously a great many other organisations fostering the talent of young artists across a broad range of organisations, activities and art forms. My family has been very fortunate to participate over many years. I acknowledge the wonderful contribution of both schools and community bands last year on Remembrance Day as we held the largest simultaneous performance of community bands in ACT history. There is substantial investment and fostering by the ACT government in developing Canberra's young writers and performing and visual artists, and this paints a very clear picture of the extent to which we value and support our next generations of creatives.

**MS LE COUTEUR** (Murrumbidgee) (4.20): I thank you, Madam Deputy Speaker, for putting forward this MPI topic. Art in all its forms expands our understanding of ourselves and the world that we live in. There are countless studies that show the benefits of creating and engaging with art, particularly for our young people. Art enriches and strengthens our community and contributes to our health and wellbeing. It should be open and accessible to all members of our community.

We have a great arts community in Canberra. I particularly commend our arts community at the grassroots level: our young people who may not have adequate funding or support but are still creating and sharing their art simply because they can and they love it. It takes courage to do creative work, and a lot of resilience.

I commend the performance art and comedy duo Sweaty Pits Comedy; local bands such as Miss Adventure and Moaning Lisa; Yucky the Drag Queen, who performs at Tuggeranong Arts Centre; and artist Sancho Murphy, who runs the art store Sancho's Dirty Laundry. I commend the gig guide and bookings provider Canberra DIY, feminist literature and arts journal *Feminartsy*, and local promoters Mulgara, to name a few. I also commend the ACT government for improving local arts content in its events. I recently asked a question on notice about local content in Enlighten and it came back with a very creditable statement of 88 per cent of the artistic content being local, which is brilliant.

A critical element when it comes to developing our young artists and developing our young people in general is arts education. Not only is this very beneficial for mental development but it is also a great way to get children engaged in learning of any kind. Professor Susan Hallam of the Institute of Education, University of London, discovered that learning music, for instance, improves students' behaviour and intelligence and actually enlarges the left side of the brain, improving memory by an average of 20 per cent.

Canberra Youth Theatre runs specialised workshops for seven to 25 year olds and also has a young artists advisory panel, which is focused on creating greater accessibility

for young people interested in developing a career in the arts. We have the Canberra Youth Orchestra and the Canberra Children's Choir, which you mentioned, Madam Deputy Speaker. We also have the Gugan Gulwan music program, which engages with and supports Aboriginal and Torres Strait Islander young people in the ACT region.

Arts education has the added benefit of helping to combat mental health issues, giving our young people a creative and safe outlet to express themselves. The Messengers program at Tuggeranong Arts Centre is an arts-based early support program for young people with mental health issues. Belconnen Community Service has the Bungee program, an inclusive resilience-building program that promotes emotional wellbeing through the arts.

Getting quality tuition early on is a really important factor in the ongoing career of artists. It is sad that there have been budget cuts to the arts sector and cancellations of arts education programs such as ANU's music for colleges program and the H course, as mentioned in some detail by Ms Lee earlier.

It is so important that young artists who have so much to give to our community have adequate support to continue to do so. We must continue to support local arts institutions that offer grants and prizes specifically for young artists. The ACT Writers Centre has the Anne Edgeworth writers fellowship for emerging young writers. ScreenACT has the low-budget feature pod funding program, which developed Declan Shrubbs's 2015 film *Me and My Mates vs the Zombie Apocalypse*. And the ANU School of Art has the emerging artist support scheme. Then there are the dancers whom I go to every year: the QL2 Dance program.

There are arts groups that are making a concerted effort to reach out to young people and encourage them to join, such as the Canberra Gay and Lesbian Choir. These groups need our support to continue their outreach so that we do not have some arts as the province just of older people. Supporting our young artists and supporting the institutions that help develop their art practice can only improve Canberra.

We have a number of young talents currently doing us proud. Sacha Jeffrey, who paints under the name Sacha Pola, has just been awarded the \$50,000 Muswellbrook regional art prize for his work *Having Reached Utopia, It Was Then Time*. He went to Telopea Park School and then the ANU School of Art and Design.

We have award-winning writer and film director Vanessa Gazy and young Canberra writers such as Simon Mitchell, Annabelle McInnes, Jack Heath and Zoya Patel. Chiara Grassia received a Great Ydeas grant in 2013 and went on to launch the first Girls Rock! camp in Australia here in Canberra in 2016.

Then there is 26-year-old Leonard Weiss, a Canberra conductor who leads the National Capital Orchestra and the Canberra Youth Orchestra. And there is young artist Dean Cross, who was born and raised on Ngunnawal country, who this year is

undertaking the inaugural Canberra/Wellington Indigenous artist exchange. We have such a fantastic cohort of local young artists, and for that we should be thankful. We are very lucky.

On top of that, the ACT does not require permits for buskers, and in Canberra we have not had to deal with lock-out laws. We have a small handful of much-loved venues that have continually supported up-and-coming artists, venues such as Smith's Alternative and the Phoenix pub, which provide a platform for young artists from multiple genres and disciplines. Sadly the Phoenix has again had to close its doors but I hope that, as a phoenix, it will rise again.

There is a lack of arts venues in Canberra, and the majority that exist are struggling. At the arts roundtable put together by federal Greens candidate and musician Tim Hollo earlier this year, many young artists said that they felt frustrated by the lack of opportunities for them here in Canberra. We have young talented people moving interstate not because they want to but because they simply do not have the same options here as they do elsewhere. For people who care about the arts sector in the ACT, this is a serious and sad matter.

So what can we do? How can we make art and young artists thrive in our community and make our community thrive through art and promote lifelong art making? We must support our young artists, including by providing them with platforms for their art. We need to invest in arts education. We need to find affordable spaces. We need to encourage young artists to stay here in Canberra and to build up the scene here.

We are the national capital. We should also be the national arts capital, but I do not believe we are quite there yet. That is through no fault of our artists. We must strengthen the position of arts in the community. We need a cross-sectoral approach. This can be achieved by integrating arts into urban planning. Public art brings life into public spaces. We used to do more of that in the past and we could do more of that now.

We need to work to create the right regulatory environment for arts to flourish, and artists, educators and venues should be consulted in this. A strong arts scene is important to a thriving society. If we place too many obstacles in front of young artists, then our society as a whole loses.

The condolence motion that we talked about this morning, about Christchurch, is another reminder that if we want a compassionate, inclusive society—and clearly everyone here in the Assembly does; we were all shocked by Christchurch—arts is one of the things we can support to make a compassionate, inclusive and artistic society.

*Discussion concluded.*

## Financial Management Amendment Bill 2019

**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) (4.29): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Financial Management Amendment Bill 2019 to the Assembly. The government is committed to delivering our capital works program in the most efficient and cost-effective manner. This means that we will always seek to streamline the budget and program management processes, whilst maintaining the highest standard in accountability and transparency.

This bill proposes amendments to the Financial Management Act 1996 to make provisions for a capital works reserve as a mechanism for improving the accuracy of budget estimates and the performance of the territory's capital works program. The reserve achieves this aim by enabling agencies with multi-year capital budget funding to plan better for their capital works program delivery across the years within the budget process.

Agencies would be able to access their capital funding allocation for future years by requesting a capital works advance from the reserve should their capital expenditure in the budget year exceed their capital budget appropriation. To maintain budget and program neutrality when an agency accesses the reserve, offsetting reductions would be made to that agency's future capital works budget so there is no net budget or program impact over time.

The ability to access future funding through the reserve eliminates the need for agencies to allow for unexpected funding requirements in their estimated expenditure flows. This, in turn, will lead to more accurate budget estimates and better alignment of budget appropriation and expected program delivery outcome.

The reserve will be appropriated on an annual basis and capped at 20 per cent of the total amount appropriated for the capital works program by all appropriation acts for the financial year. Any amount undisbursed will lapse at the end of that year. Payment of the capital works advance will be authorised by the Treasurer of the day, subject to the Treasurer being satisfied that there is an immediate requirement for the capital works advance to be made to the requested agency, and that the advance is required in addition to the agency's capital works budget for the financial year.

To ensure complete accountability and transparency in the operation of the reserve, the Treasurer will provide the Legislative Assembly with a reconciliation of the amounts authorised for payment from the reserve in the quarterly financial statements required under section 26 of the Financial Management Act. This reporting provision is in addition to the requirement under section 30F of the FMA for the Treasurer to provide the Legislative Assembly with a report on the capital works program at least every six months.

Madam Deputy Speaker, the capital works reserve is an important improvement to budgeting practices. It is an effective mechanism for achieving better capital works program estimates, whilst providing agencies with the cash-flow flexibility to achieve the best program outcome. More accurate capital works program estimates and budgeting will provide the community and industry with more accurate estimates in the timing of capital works activity. I commend the bill to the Assembly.

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

## **Motor Accident Injuries Bill 2019**

**Mr Barr**, pursuant to notice, presented the bill, its explanatory statement, a Human Rights Act compatibility statement and the government response to the report of the Standing Committee on Justice and Community Safety inquiry into the exposure draft of the bill.

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) (4.34): I move:

That this bill be agreed to in principle.

Since the government announced that we would be embarking on a process to reform the ACT's compulsory third-party insurance scheme, members in this place have heard a lot from a lot of different people. One of those people whose story probably has not had the attention it deserves is Shelley, who gave evidence to the CTP citizens jury during their first round of deliberations in late 2017.

Shelley is a Canberra mum who was involved in a car accident at the intersection of Long Gully Road and Mugga Lane in 2011. She misjudged the speed at which another car was coming towards her when making a right-hand turn, and that car ploughed into her own, trapping Shelley inside.

In the accident, Shelley suffered major injuries that included a broken pelvis, broken ribs, leg and ankle, fractured vertebrae, and a lacerated liver. Fortunately, her seven-month-old son, who was in the back seat of the car, was not seriously injured, because his baby capsule protected him from the brunt of the impact. Shelley spent six

weeks in hospital and another six months at home recovering from her physical injuries. She continued to need both physiotherapy and psychological counselling every week for years after her accident.

Shelley's medical treatment and recovery care cost her and her family a six-figure sum but, because she was deemed to be legally at fault for the accident, she was not able to get help with these treatment and care costs through the ACT's current compulsory third-party insurance scheme.

Shelley's simple misjudgement, the kind that many of us may have made ourselves when driving, meant that she was denied access to support with her recovery. And worse still, Madam Deputy Speaker, Shelley says she was made to feel as though she did not deserve any support or sympathy because, according to the structure of our current CTP scheme, she was at fault for the accident, something that compounded the distress and anxiety that she experienced as a result.

Shelley's story highlights why the ACT's current compulsory third-party insurance scheme needs reform. There are simply too many people in our community with stories like hers, too many Canberrans who get injured in a motor vehicle accident and are unable to get the help they need to get well and to get back on their feet. That is a direct result of the design of our current scheme.

We believe that we can do better for Canberrans who get injured on our roads. Our current scheme relies on proving that someone else was at fault, which means that it covers just a little over half of all of those people who are injured in a motor vehicle accident each year. That deserves repeating: just a little over half of all people injured in a motor vehicle each year. People who are injured in single-vehicle accidents, people who are injured in blameless accidents caused by weather and road conditions or people who are injured in accidents caused through a moment's inattention are all excluded from our current scheme.

Madam Deputy Speaker, every single one of Canberra's 290,000 drivers has to pay the CTP with their annual registration, so we believe that everyone who gets injured on the road should be covered. That is the fundamental and significant change that this bill will make: to ensure that everyone who is injured in a motor vehicle accident is entitled to the treatment, care and support that they need to get better and to get their lives back on track.

In our current system, even those drivers who can prove that someone else was at fault often have to undertake a long and difficult legal battle just to get access to the help that they need. Since the government started this reform process, we have heard many stories from people whose lives have had to be put on hold for years and years, who went without income or had to spend huge amounts of money out of their own pocket on medical treatments whilst they fought protracted legal battles about their accident. The average time to resolve a CTP claim in the ACT at the moment is around two years. Some claims for serious injuries have taken longer than seven years to finalise. At the moment, about the same share of overall scheme resources goes towards legal and investigative costs as goes to treatment and care for injured people.

We know that fighting long and difficult legal cases is bad for people's recovery, and it is bad for their wellbeing in the long term. That is why, as well as believing that our motor accident injuries scheme should cover everyone, we believe that Canberrans should get access to the support they need for treatment, care and lost income without having to fight it out in court. The new motor accident injuries scheme outlined in this bill delivers on both of these important objectives. It will better protect Canberrans on our roads, and it will provide faster and easier access to treatment and care after an accident.

This reform means that everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and income replacement benefits, as long as they are not breaking the law at the time of the accident. This means that around 600 more Canberrans each year will be able to make a claim for their treatment, for their care and for their lost wages when they are injured on our roads.

People who are more seriously injured in an accident where someone else was at fault will still be able to make a claim through the legal system if they need treatment, care and income long term. This is an important feature of the new scheme. It better distinguishes between people who have less serious injuries and just need some treatment to get well and get on with their lives and those with more serious injuries that will affect their health, their work and their quality of life in the longer term.

By focusing access to common law claims on people with serious and ongoing injuries, the new scheme directs a greater share of available resources towards the Canberrans who need it most. At the same time, setting out defined benefits that people are entitled to regardless of how much legal advice they can afford will greatly increase equity and fairness for people with the same kinds of injuries or traumas. This is a better insurance scheme for Canberrans. It is a fairer approach for our community. And it is a reform that our government has been carefully working through for the past two years because we believe that the current system is failing hundreds of people each year, people like Shelly, who get injured on our roads and end up with nowhere to turn.

In designing this reform we have undertaken a long and detailed process of consultation with the Canberra community, starting with the territory's first ever citizens jury. We chose to make this the topic of our first deliberative democratic exercise because CTP is a complex issue that involves many trade-offs and competing priorities. It affects everyone but the complexities can mean that only those with a professional or personal interest are very engaged. The citizens jury provided a way to take the conversation to a wider range of Canberrans and to establish what the community's priorities and objectives are for our motor accident insurance scheme, before moving into the detailed design of a new model.

Over several months the jury members considered the scheme from all perspectives and heard from many witnesses, including people injured in motor vehicle accidents. The process was supported by a range of experts through the stakeholder reference group, which included the ACT Law Society and the Bar Association; representatives

from Suncorp and AIG insurance; healthcare consumer advocates; ACT government justice and road safety and insurance policy advisers; an experienced actuary; and an expert scheme designer. This group spent dozens of hours in deliberations to support the development of potential models to meet the jury's priorities for a new scheme.

Today we thank the members of the jury and the stakeholder reference group for giving their time, their energy and their commitment to the task. The government has been particularly impressed by the seriousness and dedication with which the members of the jury engaged on the principles of accident injury insurance, how we can best protect Canberrans on our roads, and how people can be supported most effectively to get back on their feet after an accident. This was a big job, and every member of the jury went above and beyond in doing it.

When we asked the jury to identify ways our CTP scheme could be reformed to better protect Canberrans, we also committed to taking their recommendations forward to this Assembly. Last year we released an exposure draft of the bill for consultation with stakeholders and the wider community. That bill has been scrutinised by the Assembly's justice and community safety committee.

The exposure draft of the bill closely followed the model chosen by the citizens jury as best meeting their objectives for a fair and supportive motor accident insurance scheme. The bill that I table today has been updated with a series of amendments to address concerns and implementation issues that have been raised with us by the community and stakeholders, both directly and through the JACS inquiry.

These amendments remain consistent with the objectives identified by the citizens jury but further strengthen the new scheme in some important ways. The details of those amendments are stepped out in the government response to the JACS committee's report, which I tabled along with the bill. The government has accepted all of the recommendations in the committee's majority report and noted those from the chair's minority report.

The most significant of the amendments is preserving the ability to sue at common law for people who do not meet the 10 per cent whole person impairment threshold but have another compelling reason for needing to do so. Children who are still receiving treatment and care after four years and six months will be able to make a common law claim for their ongoing needs in recognition of the fact that young people's injuries can take longer to stabilise and resolve.

Injured workers who do not meet a 10 per cent WPI threshold but who have been unable to retrain or to find new employment after retraining will also maintain the ability to pursue common law damages if an independent medical assessment confirms their incapacity to work. This recognises that injuries can affect people's long-term work and earning potential differently, particularly for those who work in manual industries and must do hard physical labour every day.

For people who are injured on the road whilst at work, the government's amendments lengthen the time provided for them to decide whether to pursue a claim for defined

benefits through the motor accident injury scheme or through their workers compensation arrangements. The exposure draft indicated that this decision would be made within one month of an accident. Under the amended legislation, injured workers will now have 13 weeks to seek advice and consider the circumstances of their accident before finalising their choice of scheme. This represents the time period during which the defined benefits on offer through both schemes are most directly equivalent. After this point, the calculation and provision of defined benefits differs between the two schemes, so it is appropriate that an injured person elect a channel through which to access their treatment, their care and their income support.

Importantly, however, a decision about which scheme to access defined benefits through does not lock in a worker to that scheme for any common law claim they might make for their injury. For example, if a worker is injured on the road whilst at work they may access defined benefits through the motor accident injury scheme but later sue at common law through the workers compensation scheme if there was negligence on the part of their employer. Similarly, a worker may access defined benefits through their workers compensation scheme and then pursue action through common law if they meet the 10 per cent WPI threshold and someone else was at fault. I want to particularly acknowledge my colleagues Bec Cody and Michael Pettersson, and the ACT union movement, for their advocacy on these specific issues, which has ensured that the rights of Canberra workers are front and centre as we proceed with improving our motor accident injury scheme.

The bill has also been updated to very clearly step out where and how people can access external reviews of insurer decisions if they believe that they are not getting a fair deal. The ACT Civil and Administrative Tribunal will hear disputes about defined benefits in the new scheme, with a new jurisdiction to be established that can hear matters of any value. The ACAT provides a low cost and accessible place for Canberrans to seek external review and to resolve disputes, ensuring that legal costs and court fees do not create an obstacle to people disputing decisions about their treatment and care if they need to. The ACAT will also be given the power to award costs for disputes to help make sure that insurers or other parties do not take vexatious legal action to avoid their clear and legitimate obligations under the scheme.

Common law claims for those people who are more seriously injured will continue to be heard in the ACT Magistrates Court or Supreme Court, as they are now. Injured people will be able to be legally represented in either place if they choose to do so, but they will not have to be legally represented. There are a number of further updates and amendments to this bill that are stepped out in the government response and explanatory statement.

I would like at this point to thank and acknowledge the ACT Greens for their constructive engagement on this legislation, which has led to a number of these changes. This includes lengthening the period for which people can access income replacement benefits after retirement age, amending limitations to ensure that only serious criminal or road rule breaches affect people's access to benefits, and ensuring that people who continue to need medical treatment after five years but are not

eligible to access common law provisions have an avenue to seek access to this. These changes improve the bill and will help ensure that there are more safeguards for people whose circumstances fall outside the norm.

The government would also like to thank all other stakeholders and members of the community who have contributed to improving this legislation since its release as an exposure draft. Where genuine concerns and constructive solutions have been brought to us, we have worked through these and incorporated them into the bill. It is a better piece of legislation as a result of this iterative process of engagement over many months.

In conclusion, this bill and the new motor accident injury scheme it establishes have been designed around the priorities and the objectives that Canberrans told us matter. They are: fair coverage for all road users; equitable access to treatment and care for people who are injured; quick and transparent benefits to get recovery underway as soon as possible; and comprehensive and ongoing support for those who need it most. I commend this bill and the new motor accident injury scheme to the Assembly as another good and worthy reform that this place can support that will make a real difference to the lives of Canberrans.

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

## **Royal Commission Criminal Justice Legislation Amendment Bill 2019**

Debate resumed from 21 February 2019, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (4.52): The Canberra Liberals will be supporting this bill. Although it does not introduce any new overall concepts this bill expands the scope of operation of principles contained in the previous bills relating to the reporting of child sexual abuse and the mechanisms needed to make effective laws. These matters were reviewed by Justice Dodds-Streeton in late 2018 and she focused on the most effective way to implement the recommendations of the royal commission on the reporting of child sexual abuse. That review has assisted in the drafting of this bill.

This bill will create a new criminal offence of failing to report child sexual abuse, which applies to everyone. This includes circumstances where a person becomes aware of a child sexual abuse matter within a religious confession. The matter of breaking the confessional seal has been discussed by this Assembly before in a previous bill relating to the reportable conduct scheme. I remind the Assembly that the Canberra Liberals supported that bill, as we do this one. But I also acknowledge and recognise that there are those in this chamber and in this community who feel deeply and strongly about the importance and significance of confession as part of their Catholic faith.

In the bill debated last year, a new standard was introduced under the reportable conduct scheme. This bill now includes responsibilities under the Children and Young People Act. There are also changes to the Ombudsman Act to give better effect to this bill and the bills previously passed. For example, it includes a clarification for the definition of a “designated entity” and an extension of the removal of the so-called Ellis defence, which was discussed and removed in other circumstances under other bills last year. The current bill will also extend the application of the special measures scheme to those making a victim impact statement in court as well as the protections already provided for in the initial case. Finally, the bill makes some technical amendments to address some outdated discrepancies.

It is important to note that the reporting obligations contained in this bill operate only when a person obtains information that leads to the person reasonably believing that a sexual offence has been committed against a child and that this information is given to police honestly and without recklessness. False claims are specifically prohibited with penalties up to 12 months’ imprisonment. There is also a two-year review clause in the bill to ensure that the laws are operating as intended.

As I stated previously, the substantive issues in this bill have been previously discussed, but this bill essentially removes any uncertainty by mandating that adults with knowledge or information about child sexual abuse must report it. I understand all other states have agreed to the recommendations of the royal commission and have either implemented or are in the process of implementing legislative reform to give effect to those recommendations.

Some states are still developing their responses, and there are many technical and difficult issues to deal with. Feedback has been received from the legal profession on this and previous bills, and they have noted some of those issues. In particular, I want to recognise the submission from the ACT Law Society and I urge the government to consider carefully the issues they have raised. However, as we have shown today, if there are laws to be passed to protect children the Canberra Liberals will support them. If there are improvements to be made, we will support those, too. We support this bill.

**MS LE COUTEUR (Murrumbidgee) (4.56):** I stand here today in support of this bill because I agree wholeheartedly that children need to be protected from abuse. Child abuse is an issue which remains underestimated both in terms of its prevalence and its impact. I am particularly pleased that the proposed legislation goes beyond institutional child abuse to include addressing child abuse in all its potential contexts. This is because while we all know and have heard about the traumatic experiences of survivors of institutional child sexual abuse we know also that by far the majority of sexual abuse occurs within the home as opposed to institutions.

That does not mean institutional abuse should not be addressed or that institutional abuse does not carry with it significant and specific harm that is not experienced in other contexts. It is right that the government implement this legislation that addresses it because, ultimately, if institutionally instigated abuse is not addressed then the state rightly remains liable in that it did nothing to prevent it. We know all too well the

results of staying silent; the silence allows abuse to continue. Of course the attorney has the Greens' support in attempting to reduce abuse.

The legislation makes it clear that all adults, except a person's lawyer, have a duty to report child sexual abuse to the police. As the royal commission emphasised in its report, it is important that adults proactively report child sexual abuse because, by the very nature of the offence, it may be very difficult for victims to talk about it to anybody let alone to the police.

If adults become aware of child sexual abuse and report it to the police, there is a possibility that the abuse will be stopped and no more children will be abused. I say "possibility" because, as the royal commission makes clear, historically many children who have reported sexual abuse have not been believed. If adults around them notice the abuse and are protective and report this to the police, there is less pressure on the young person or child who is being abused because they do not have to themselves initiate contact with the police.

The hope is that by making the reporting of disclosures of child sexual abuse mandatory law, children who are victims will not remain exposed to continuing and repeated abuse and, all being well, other children will never experience it at all because an alleged abuser cannot just move on and groom another victim.

This legislation adds ministers of religions to the list of mandated reporters under section 562 of the Children and Young People Act 2008. Given the influence of ministers of religion in some parts of the community and their contact with young people, this is appropriate. The most controversial part of this legislation is removing the exemption for religious confession. Specifically requiring reporting diminishes the risk that once abuse is disclosed in a confessional the confessor is absolved in some way. Historically, this has allowed the abuse to continue as an offender has sought forgiveness and believes they have been pardoned only to continue to abuse that child and groom more child victims.

It is entirely possible that there may well be clergy in the future who do not abide by the law in reporting abuse disclosed in the confessional. In fact, some have been in the media actively stating that they will not break the seal of the confessional. We need to recognise that in practice this law is putting forward an expectation of conduct to protect children which by its nature cannot be policed. Nonetheless, it has meaning as an expectation.

I note that the attorney has taken an approach which reduces the impact on the right to religious freedom including but not limited to using an objective rather than a subjective mental state test when addressing the failure to report an offence and in limiting the failure to report offence to only child sexual and physical abuse. In that way the legislation still achieves the desire to deter child sexual and physical abuse and make this city safer for our kids whilst taking into consideration the right to freedom of thought, conscience, religion and belief.

The amendment bill also includes repealing the common-law presumption or, indeed, immunity that a boy under the age of 14 is incapable of having sexual intercourse and,

therefore, incapable of sexual assault or abuse. Of course I also support this. This fits with previous amendments that repeal time limits on prosecutions for child sexual offences. I also note that there is no attempt to include any offences retrospectively, merely that the disclosure of an alleged offence should be reported to police regardless of when the offence took place. I am pleased, too, that the amendment bill allows for special measures to be extended to victim impact statements from victim witnesses in legal proceedings. The court experience of a victim can be harrowing and any measures that make the process less intimidating and traumatic are welcome.

I acknowledge that the attorney has been systemically reviewing and informing various legislation insofar as it is related to the outcomes of the royal commission, and I applaud him for that work because it will contribute to making Canberra a safer place for all of us. I look forward to working together with him on developing a positive definition of “consent” in the Crimes Act during the remaining period of the Ninth Assembly as this work, too, is important in ensuring that we live in a safer community. The Greens support this Royal Commission Criminal Justice Legislation Amendment Bill.

**MRS JONES** (Murrumbidgee) (5.02): I stand to speak on this bill today because it exercises my personal conscience, and I accept that we, the Canberra Liberals, are supporting the bill. Because this bill touches on personal religious practice, it concerns me greatly. Just today—this morning, in fact—we discussed at length the damage done by the spreading of division on the basis of religion. The government should not be seeking out and detailing in public debate the details of religious practice, picking them apart and publicising the government’s opinion on details of their internal practices—not for Muslims, not for Jews, not for Catholics, not for Sikhs, not for Evangelicals, not for Hindus and not for any other religious group.

It is divisive the way that this bill, in this week of all weeks, and the one that came before it—I was on leave when it was presented and debated—pick apart the detail of someone’s religious practice. The fact that lawyers’ professional privilege has been preserved by the bill makes people of faith call into question why this is not being applied across the board if, in fact, the intention is to be, as it is claimed, about vulnerable children. The same outcome could have been achieved with a broadbrush provision for mandatory reporting without exception.

Confession is an anonymous practice unless the participants identify themselves. So this law will also be, as Ms Le Couteur has mentioned, an ineffective, unpoliceable and unnecessary public targeting of people of faith. Picking apart how particular religions facilitate conversations with the Almighty is an unnecessary and demonising act, and it is unnecessary in relation to those good-willed people who serve our community as Catholic priests. Religious practice does not have to be the focus of these provisions and the good people of faith who will be drawn into this are unnecessarily being demonised. It is a very bad precedent at a time when we have all been reminded how the targeting of particular religious communities can have devastating consequences.

**MRS DUNNE** (Ginninderra) (5.05): Back in June 2018 I spoke about the Catholic’s view of confession—that is, that it is sacred, sacramental and sacrosanct—and how

we need to stop and think twice before we pass legislation that requires Catholic priests to break the seal of the confessional. My views have not changed and I appreciate the latitude given to me by my party room to express these views in this debate.

In doing that, I say that I support all reasonable measures to ensure the safety of our children from any form of abuse. At the time I challenged the government to engage fully with Catholics and others who maintain the seal of the confessional and to ensure a proper understanding of the implications of this proposed law. It is clear that the government has not done that. It is clear that the government is pushing ahead regardless.

I acknowledge that the government is trying a different mechanism this time from that proposed last June, but the outcome will be the same: the scheme will not work. But it is also a scheme that contravenes the rights of religious communities. It does this in a number of ways. It is directly discriminatory. This legislation is an attack on religious adherents and no-one else. This law does not abolish the privilege enjoyed by other professionals like the legal professional privilege. A paedophile could in certain circumstances tell his lawyer that he had committed the crime of child abuse and his lawyer would not be bound to pass on this information.

The scrutiny report makes this abundantly clear. Only a priest has had this privilege withdrawn. It is clearly discriminately and an attack on people of faith. If it were not discriminatory and an attack on people of faith, we would see the government removing all privileges in all these circumstances. The government shows that it has not thought about the implications of this law. It does not appreciate that a priest will never reveal what has been spoken about in the sacrament of confession.

The proposed legislation is impractical and thus would have no effect. As I said previously, it is important that we all do what we can to reduce the incidence of child sexual abuse and other abuse. But the provisions of this bill do not do that. It may, in fact, make things worse, as Father Frank Brennan SJ has argued.

I will set out as briefly as I can the reasons why it will not work. Paedophiles generally do not go to confession because, as we have learned, they do not feel remorse. For Catholics, confession is centred on remorse, on repentance. It only works if we acknowledge our sins and express genuine repentance, a commitment not to repeat the offence, which, in practice, means making that undertaking not to do it again. People can fake it but your sins will not be forgiven. Going to confession is not as some people think, some sort of get out of jail card.

Madam Speaker, if paedophiles did confess, they would confess anonymously. Most people who make confession do so anonymously. It is a time-honoured tradition. Any paedophile who might admit to child abuse in confession would not do so after this act passed knowing that the information might be passed on to the police. So the small chance a paedophile might take to talk to someone he can trust and perhaps be persuaded to seek help and turn himself in will be lost because of this provision.

A victim who comes to confession and reveals abuse probably wants to talk to someone anonymously as well or at least to someone he can trust not to reveal the details. If a victim wanted to tell the authorities, there are other mechanisms for doing so. He could talk to his priest outside of confession. He could ask him to report it. He could ask his priest to accompany him or her in doing this. So this legislation would only apply when the revelation is not only against the priest's training and belief but potentially against the wishes of the penitent. Again, if the details were no longer protected, some victims would not show up and the opportunity to help them towards healing may be lost.

But the main difficulty is that priests simply will not reveal information from the confession, whatever you do to them. As I said last June, many priests, such as Father Brennan, and bishops have said so publicly. To them, it is literally a sacred trust. It has been tested by regimes with more resources for persuasion than the ACT government. Rather than breaking the seal of confession, priests have suffered death under torture knowing that they would go to heaven as martyrs whereas breaking the seal of confession will only result in excommunication and damnation. It does not matter, Madam Speaker, if those members opposite think this is all superstition. The important thing is that clergy who understand the seal of the confessional believe it, and no priest will be willing to risk his soul on such a matter.

So how will this legislation work? If a priest will not break the seal of the confessional, how would a conviction under this provision be obtained? How would you find out what had been withheld? Are we considering listening devices in confessionals or sting operations, or following suspects to see if they go to confession and staking out churches in case they turn up? What happens then? The priest is asked, "Did you hear a confession from so and so as constable so and so has said?" The priest will say, "I am bound by the seal of the confessional. I cannot tell you anything." A court might convict a priest of contempt but not of a violation of this act.

Conceivably, a paedophile or a victim might tell the police that they had revealed abuse in detail in confession, but the police would already know about the abuse then; so anything that the priest did say would be redundant and testimony more credible if backed up by hearsay. But in reality, again you would be confronting the priest with a statement, "Did so and so tell you this in confession?" Again, the priest would be bound to say that he could not comment. Again, there would be the possibility of priests being convicted of contempt of court but I cannot—it is the same in my discussions with people who know more about the law than I do—find a circumstance where you could credibly convict a priest under this provision.

This is the problem. This is something where the government says that we must do something. Therefore, we must do this. It is politically advantageous to be seen to be doing something but in this case we are creating circumstances where a very small group of people in a very discriminatory way will be forced to break the law. The minister has not been able to satisfy anyone about how he could possibly obtain a conviction under this law.

There is also the risk that the creation of this law will deter people from seeking anonymous advice and assistance, and it may have unintended negative consequences. As Mrs Jones has said, and as Mr Wall and I said back in June, we are not opposed to meaningful provisions that do all that we can to protect the children of our society from abuse, physical and sexual, but this provision engages my conscience. I cannot see that there is any mechanism whereby this is a meaningful provision that will actually make the lives of children threatened with abuse any better.

**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) (5.14): I rise to speak in support of the Royal Commission Criminal Justice Legislation Amendment Bill. As has been outlined, this bill implements a number of recommendations made in the criminal justice report of the Royal Commission into Institutional Responses to Child Sexual Abuse and makes related amendments to the mandatory reporting and reportable conduct schemes to enhance the protection of children from abuse.

The profound and devastating impact of child sexual abuse cannot be overstated. These impacts last a lifetime. This fact was driven home by the evidence of brave survivors and families who shared their stories and experience as evidence to the royal commission. I, like many in our community, have been shocked and saddened by the personal accounts of people who were subjected to sexual abuse in institutions across Australia. Of their experience from speaking with survivors, the commissioners wrote:

Many spoke of having their innocence stolen, their childhood lost, their education and prospective career taken from them and their personal relationships damaged. For many, sexual abuse is a trauma they can never escape. It can affect every aspect of their lives.

The commissioners went on:

We also witnessed extraordinary personal determination and resilience among victims and survivors. We saw many survivors who, with professional help and the support of others, have taken significant steps towards recovery.

Undoubtedly, the strength of these individuals and the power of personal accounts have changed our nation. In sharing their stories, these individuals were not only seeking justice for themselves and their loved ones but advocating for change to ensure that no other parents or children have to go through what they endured. For victims and survivors, telling their stories has required great courage and determination.

A number of ACT survivors gave evidence. For example, the royal commission heard evidence from the family of a six-year-old boy who was abused by a respite care worker, and students at Marist College who were abused by Brothers Chute and Sutton. Today the ACT government honours the bravery of survivors of sexual abuse.

Through this tranche of significant reforms we are sending a strong message that survivors have been heard and we are acting.

On 15 December 2017 the royal commission presented its final report to the Governor-General, the culmination of a five-year inquiry into institutional responses to child sexual abuse and related matters. As you would be aware, Madam Speaker, the final report made a number of recommendations in a range of areas. These recommendations aim to bring effective change across a broad range of complex issues to better protect children and young people against sexual abuse and alleviate the impact of abuse when it occurs.

The ACT government has committed to addressing each and every recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse. The royal commission recommendations provide a once in a generation opportunity to move forward and seek justice as a community. The recommendations provide an opportunity for the ACT government to review and enhance services, programs and laws to keep children and young people safe from abuse. In fact, the ACT government has been implementing recommendations of the royal commission since the first reports were issued in 2015.

The measures in the bill before us today build on a number of measures already implemented in response to recommendations by the royal commission, actions already implemented to prevent as far as possible such abuse recurring now and into the future. This bill implements eight royal commission recommendations.

The two elements of the bill which have perhaps received the most attention are the addition of ministers of religion to the list of mandated reporters, section 356(2) of the Children and Young People Act 2008, and the creation of a new offence in the Crimes Act 1900 of a failure to report a sexual offence committed against a child. These changes to reporting laws are essential in both preventing future child abuse and ensuring that those who have perpetrated abuse are brought to justice.

As the Attorney-General has previously outlined, this bill is informed by the report of the Hon. Justice Julie Dodds-Streeton whom this government commissioned to prepare a report on how best to implement the royal commission recommendations regarding the reporting of child sexual abuse that have implications for the confessional seal. Justice Dodds-Streeton should be commended for the comprehensive report she produced which, contrary to Mrs Dunne's assertions, was informed by extensive consultation with key ACT stakeholders, including church groups, police, organisations representing survivors of child sexual abuse and a broad range of government agencies. The proposed new section 66AA to the Crimes Act creates a new offence of failing to report child sexual abuse to police, implementing recommendations 33 and 35 of the royal commission's criminal justice report.

In relation to the imposition of a positive obligation on third parties to act in relation to child sexual abuse, the royal commission criminal justice report clearly articulates a plethora of reasons for such an obligation. Perhaps most poignant is the reasoning illustrated throughout numerous case study examples. In their reasoning the commissioners stated:

Perhaps more so than with other serious criminal offences, those who commit child sexual abuse offences may have multiple victims and may offend against particular victims over lengthy periods of time. A failure to report abuse or to protect the child may leave the particular child exposed to repeated abuse over time and may expose other children to abuse. The impact of child sexual abuse on individual victims may be lifelong, and the impact on their families and the broader community may continue into subsequent generations.

The reasoning of the commissioners also recognises that, unlike other categories of crime, child sexual abuse is often not reported and stopped at the time of the offence because of barriers faced by the victim, such as difficulty in disclosing or accessing authorities to report the abuse.

As previously mentioned, this bill also seeks to add ministers of religion to the list of mandated reporters contained in the Children and Young People Act 2008 section 356(2). This amendment will require ministers of religion, religious leaders and members of the clergy to report physical and sexual abuse to child and youth protection services. These amendments recognise that ministers of religion are likely to be the recipients of information relating to both sexual and physical abuse of children and have a duty to report such information to authorities.

Significantly, the new failure to report offence and the new obligations under the mandatory reporting scheme will apply to information disclosed under the confessional seal. Fundamentally this recognises the primary importance of protecting children's safety. In their report the commissioners stated that there should be no excuse, no protection nor privilege for priests who fail to alert police because information was received in confession.

In implementing the royal commission recommendation, the ACT government rightly places the protection of children against sexual abuse above any claims to special privilege of any group in society, including religious groups. We rightly place the law of the land above the canonical laws of religious groups. And in doing so we balance the religious freedom of individuals with children and young people's most basic rights, including the right to protection from torture and cruel, inhumane or degrading treatment, the right to protection of family and children and the rights to liberty and security of person. As the commissioners noted in their discussion of this issue:

This is recognised in article 18 of the International Covenant on Civil and Political Rights on the freedom of religion, which provides that the freedom to manifest one's religion or beliefs may be the subject of such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The right to practise one's religious beliefs must accommodate civil society's obligation to provide for the safety of all and, in particular, children's safety from sexual abuse. Institutions directed to caring for and providing services for children, including religious institutions, must provide an environment where children are safe from sexual abuse.

Ensuring the safety and wellbeing of children and young people is not just one of the greatest responsibilities of any government or organisation but one of the greatest responsibilities of all members of our community. It is a responsibility that all must take seriously and one which religion should not shield one from. These amendments send a clear signal that the ACT government is committed to taking actions across the statute book to reflect the reality of sexual abuse and to ensure that our laws protect already vulnerable people from victimisation.

At the time of establishing the Royal Commission into Institutional Responses to Child Sexual Abuse, then Prime Minister, Julia Gillard, said:

These are insidious, evil acts to which no child should be subject. The individuals concerned deserve the most thorough of investigations into the wrongs that have been committed against them. They deserve to have their voices heard and their claims investigated. I believe a royal commission is the best way to do this.

Their voices have been heard and now it is incumbent upon us to act to ensure as far as possible that these insidious, evil acts cannot be repeated. I commend Minister Ramsay for his ongoing work to implement the recommendations of the royal commission and commend this bill to the Assembly.

**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) (5.24), in reply: I thank the Canberra Liberals and the ACT Greens for their support of this bill and acknowledge the people who have spoken on this as a matter of conscience as well. As I have said in relation to this bill and more broadly, this is indeed a responsibility we all share.

The Royal Commission Criminal Justice Legislation Amendment Bill 2019 represents the third bill to implement 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.

In the area of criminal justice our work to turn the royal commission's recommendations into action has focused on supporting people who come forward and ensuring that offenders can be held accountable. We have strengthened our laws for prosecuting repeated abuse over time by ensuring that courts can consider testimony and that criminal charges can be brought forward in a way that reflects what we know now about how survivors recount their stories. We have also changed our sentencing laws to ensure that people who have access to children because of their positions of trust and reputations cannot use that good reputation to mitigate a sentence. They are just two examples of changes we have made to improve our criminal justice response to child sexual abuse.

This bill is focused on obligations to identify and report child sexual abuse. It amends our criminal law. It amends our mandatory reporting laws and our reportable conduct laws. The comprehensive changes in this bill will support holding offenders to account and ensuring that child abuse gets reported and action is taken in response. The bill introduces a significant new criminal offence for people who reasonably believe a child has been sexually abused and yet fail to report that abuse to police. The royal commission clearly showed that children are unlikely to report abuse or be able to protect themselves. This makes it vital that adults report child sexual abuse if it comes to their attention. If abuse is not reported, a perpetrator may continue to abuse that child and other children.

The process of responding to the royal commission is one of acknowledging our collective failures as a community and taking responsibility. This bill is a direct acknowledgement of our shared responsibility to protect children and our obligation to take action to hold offenders accountable. This new offence applies to all adults and it applies without exception. There has been extensive public conversation about what this means for people whose religious practices would be affected. The bill was drafted following a thorough and rigorous legal analysis. That analysis carefully examined the history of laws relating to religious confessionals and analysed the human rights aspects of the change.

There are important reasons why this bill contains no exceptions for religious practices. Ultimately, when there is an obligation on all adults to act in a particular way to keep children safe, any individual or institution must have a compelling case before an exception is created. There is no such compelling case for religious practices. In fact, the royal commission found that the religious confession in some instances was a factor in facilitating further abuse. The royal commission heard evidence that perpetrators who confessed to sexually abusing children went on to re-abuse and then to seek forgiveness again.

The report by Her Honour Julie Dodds-Streeton which was provided to the government after extensive consultation with a great many stakeholders, including religious bodies, outlined the importance of this new offence and explained how it will contribute to both effective law enforcement and a cultural shift in how we view the reporting of child abuse. As I stated in introducing this legislation, children's rights to be safe from abuse are paramount. The right to freedom of religion is not absolute, and the freedom to practice religion in a particular way must never take precedence over children's right to safety.

The bill will also strengthen the ACT's legal framework for reporting child abuse by adding ministers of religion as mandated reporters under the Children and Young People Act. This amendment means ministers of religion will have to report both the physical and sexual abuse of children to child and youth protective services. Like the new failure to report offence, these new obligations apply even if the relevant information was disclosed in a religious confession, recognising the primacy of protecting children's safety.

The third change this bill makes to reporting laws is to amend the reportable conduct scheme. Last year the government passed legislation extending the application of the reportable conduct scheme to religious organisations. The legislation included a nine-month exclusion for information disclosed in a religious confession, to allow time to undertake further consultation on this part of the scheme. The government has conducted extensive consultation since that legislation passed, and this has included commissioning Justice Julie Dodds-Streton to undertake extensive consultation with stakeholders to prepare that report to government.

Based on the consultation, Her Honour recommended in her report that the application of the reportable conduct scheme to physical or sexual abuse against a child disclosed in a religious confession be included within the scope of the reportable conduct scheme. That is consistent with the scope of information which must be disclosed under the mandatory reporting scheme and represents the least restrictive means possible to achieve the aim of protecting children's safety.

In addition to strengthen reporting obligations, the bill makes other amendments to improve access to justice for survivors of child sexual abuse. It extends the application of the ACT's extensive special measures scheme to those making a victim impact statement. That includes features like being able to appear by CCTV and using screens in the courtroom. The change supports victims to be heard in court not just as witnesses to support a prosecution but also in the sentencing phase. The purpose of the change is to mitigate the trauma associated with participating in court proceedings.

The bill will also retrospectively repeal a common-law presumption that a male under 14 years was presumed incapable of sexual intercourse. That meant in cases where a young offender assaulted another child no criminal prosecution could be undertaken. The presumption was abolished in the ACT in 1985; however, it was not retrospectively abolished. This has the practical effect of preventing access to justice for victims of male perpetrators where the male perpetrator was under the age of 14 at the time of the offending behaviour. This amendment retrospectively repeals the presumption to remove this outdated and anachronistic common-law immunity.

Finally, the bill will retrospectively amend section 70 of the Crimes Act to rectify a technical inconsistency in the availability of alternative verdicts for child sexual abuse. Irregularities in drafting meant there was at least an argument that an alternative verdict was not available for some historic prosecutions where it was clearly intended to be at the time. This bill corrects those technical issues.

The amendments in this bill improve the protection of children from child abuse. They improve access to justice for victims and they enhance the justice system's capacity to hold perpetrators to account. This bill demonstrates the government's continued commitment to implement the royal commission's recommendations. We acknowledge our responsibilities as a government and as a community. Ensuring that the royal commission's work becomes action in the ACT is something we have done throughout this term and something we will continue to do.

I thank the members of the JACS directorate who have worked so conscientiously on this bill. I pay my respects to Her Honour Justice Julie Dodds-Streeton for her most insightful guidance in her report to government. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Lake Ginninderra Sea Scouts**

**MS CHEYNE** (Ginninderra) (5.34): It is well known that Lake Ginninderra is the best lake in this city. It is a beautiful lake and not just loved but central to the recreation of many in the ACT. It is also a beautiful lake to sail or kayak on and to watch boats sail on throughout the summer months. I do not think anyone knows what a great lake Lake Ginninderra is better than the Lake Ginninderra Sea Scouts. Thanks to their generosity recently, I also have a better understanding of this gem.

Every year the sea scouts from Lake Tuggeranong, Lake Burley Griffin and Lake Ginninderra compete in races on the three lakes for the Tri-Lakes Regatta. In late February I was literally invited aboard to check out what the regatta was all about and to gain a greater understanding of the sea scouts themselves. As well as undertaking the usual scout activities and getting involved, on land, in camping, hiking and abseiling, the sea scouts base their activities in, on or around the water in the summer months. It is well known that scouting is no longer just about knot tying and badge work but also about an even greater range of life skills, including responsibility, leadership and caring for one another. I saw every one of these skills on display at the regatta.

I first was taken out with some of the more senior and experienced members of the sea scouts, Tyde and Alex, for a pretty leisurely sail around Lake Ginninderra. There really is no better way to see and experience the lake, and I recommend it to all. I could have stayed out all day, but Tyde and Alex had to get back to compete in the second race of the day. This is really where I saw the skills that the sea scouts impart on display. Kids as young as nine are responsible for racing their boats, sometimes in pairs, sometimes with a few more in the boat. Some of the more experienced members raced faster vessels solo. Many of them did not have an adult with them, but there were many adults supervising around them.

These scouts took responsibility for their decisions. They worked together within their boats, but also on the water, to be respectful of others and their spaces. Being responsible for the vessels also meant they were responsible not just when they were sailing but also when they capsized. If they got any assistance when they capsized they were disqualified, so they were literally doing everything themselves. It was really impressive to watch the calm, sensible ways in which the sea scouts handled themselves. It was an absolute credit to the Lake Ginninderra Sea Scouts and the broader scouting movement.

For two hours we were on the water in the middle of the lake on the motorised safety boat—I noticed that that is the only time motorised boats are allowed on the lake—and that was also a fun thing to do. We helped to tow some buoys, pick up some items from the capsized boats and give some instruction when it was needed. And, under a lot of instruction, I was lucky enough to even drive the boat for a bit.

In addition to Tyde and Alex, I especially thank Klaus, Emma and Jacqui for being so welcoming and friendly and for making the afternoon such a fun one and such a memorable one. It is not hard to see why the scouts are such an important movement and why the Lake Ginninderra Sea Scouts are a central pillar of Belconnen's community fabric. It is also not hard to see why they have a waiting list to get in.

### **Christchurch tragedy**

**MRS KIKKERT** (Ginninderra) (5.38): I was unable to speak to this morning's condolence motion, so I am grateful to take this opportunity to say a few words on the terror attack that happened in Christchurch last Friday. First, I want to express my heartfelt sympathy to the families of all the victims in this senseless tragedy—those who have lost loved ones are and will be struggling with broken hearts and pained souls. I hope that peace will somehow return to their lives. It is neither right nor fair that loved ones whose lives were knitted into their own—parents, spouses, children, siblings, family and friends—have been ripped away from them.

I also express my sympathy to the wounded and their families. I understand that as of this morning 31 people were still in Christchurch Hospital. Ten of them were in a critical condition. I hope that each of those victims will recover fully, not just physically but also emotionally. I hope that their family members and others will be strengthened in their bedside vigils. But the list of victims does not stop with these people. Evil acts create long chains of victims. My heart breaks for the Muslims in Christchurch and the rest of New Zealand who, in addition to their personal losses, feel fear, wonder if they are safe and wonder if they are really welcome.

This fear and senseless insecurity unfortunately impacts on Muslims far removed from the two mosques that were attacked, however. In this very community of ours our Muslim neighbours and friends are likewise worried. Are they safe? Are they welcome? Are they really our neighbours? The answer to all those questions has to be a loud, clear yes. I am grateful that I was able to attend the vigil and prayer meeting at the Canberra Islamic Centre last night, which you also attended, Madam Speaker, as did many other Liberal and Labor members. Many good people from all walks of life came together to mourn, to comfort, to be strengthened and to find piece.

We must build on this foundation of love and respect for one another. There is no other way forward. Each of us has a role to play. The parable of the good Samaritan makes it clear who our neighbours are. Treating each other as neighbours is all it takes. It is not enough to welcome people into our communities if we do not also welcome them into our lives and homes and accept their invitations when they welcome us into theirs. It has often been said that it is difficult to hate a person one actually knows. We need to be better at knowing each other. This is true for our Muslim neighbours. It is also true for migrants and refugees, and it is true for the people next door and in the street. It is my wish that we will know and love one another.

Question resolved in the affirmative.

**The Assembly adjourned at 5.40 pm.**