



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

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Tuesday, 2 April 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.

Mr John Turner AM
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 death of Mr John Turner AM, former Chief Executive of the ACT Department of Urban Services from 1989 to 1997 and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

John Turner was in many ways a founding father of modern Canberra, not only through his work as a dedicated public servant over many decades, but also through his extensive community engagement. John's contribution to the ACT's transition to effective self-government really cannot be overstated, and his lifetime of engagement with local community organisations and not-for-profit organisations was second to none.

John's connection with the ACT actually began in Melbourne. He started his public service career with the Department of the Navy, and later moved to the Department of the Interior, where he first became involved in the management of the ACT. In 1959, as part of the broader transfer of commonwealth departments from Melbourne, John moved to Canberra, which he described as being like a "big country town" back then. Like many who have made such a move, John ultimately made Canberra his permanent home. In 1994 he told the *Canberra Times* he loved our national capital so much that he decided to stay. Madam Speaker, we are pleased that he did.

After joining the commonwealth Department of the Capital Territory, John became involved in moves to establish self-government for the territory during the years of the Whitlam and Fraser governments. He then went on to become one of the architects of self-government following Bob Hawke's election in 1983.

In 1987 John became the ACT city manager, overseeing roads, technical services, public transport, parks and conservation, recreation, housing, and the ACT Fire Brigade. No small task, Madam Speaker; one that is currently overseen by a number of different ministers. John told the *Canberra Times* that he loved this role because of the direct relevance it had to the community in which he lived.

After self-government in 1989, John became the Chief Executive of the ACT Department of Urban Services, a role he held until his retirement from the public

service in 1997. Part of his responsibilities in this new role was to brief and provide advice to newly elected ministers of the territory's first government, the Follett government, who were, of course, responsible for running the newly self-governing territory.

Ellnor Grassby was the ACT's first Minister for Housing and Urban Services. She recalls John as being a true gentleman who really knew how the public service worked and how to get things done. Ellnor said that, as the head of her department, John got straight to the point and provided frank and fearless advice, but he was polite at all times. "Canberra had to stand on its own two feet at some point, and we're going to make a real go at it," Ellnor recalled John telling her early on. That is exactly what they did. By the time John retired in 1997, he oversaw a department of nearly 4½ thousand staff and a budget of more than \$180 million, providing a huge range of services right across the ACT.

Another significant part of John's role, especially in the early years of self-government, was to help Canberrans understand that the ACT government's budget, freshly severed from the resources of the commonwealth, had its limits. I can empathise with the enormity of that task. It is one that continues to this day.

John also served as the general manager of ACTION bus services, a director of the ACT Electricity and Water Authority, Chair of Ecowise Environment, chair of the interim Gungahlin Development Authority, and deputy chair of the ACT Tourism Commission.

By the ministers he served, John will be remembered for his frank and fearless advice. By the colleagues he worked with, he will be remembered as a dedicated and calm leader who brought a wealth of experience in government administration, a commitment to excellence and a down-to-earth common sense, described as a "great but rare quality". By Canberrans more broadly, he will be remembered through his role in the creation of Floriade, the declaration of the Namadgi National Park, the establishment of the parks and conservation service and the creation of the first ACT government shopfronts.

His contribution to Canberra went far beyond his day job. He was also an avid supporter of cricket, both as a player and as an administrator. He played for the Eastlake Cricket Club. He joined the board of Cricket ACT, where he served as chairman for a record 10-year term, and in 2009 he was fittingly appointed a life member of Cricket ACT.

John was also instrumental in the redevelopment of Manuka Oval as a first-class venue for cricket and as a venue for AFL. I hope he would have been proud of Canberra's first international test cricket match between Australia and Sri Lanka that was played at Manuka Oval just a few weeks before his passing. I should note that on the AFL front John supported the Collingwood Football Club, proving that no-one is perfect.

Sport was not the only place where John made his mark on the community. Between 2004 and 2010, he was chair of Communities@Work, a not-for-profit organisation

offering services for children, people with disabilities and those in the community experiencing hardship. He oversaw the development of several new community services, and initiated significant projects for Communities@Work, including development of a purpose-built facility in Holder. When the new Communities@Work building was completed in 2016, it was named in John's honour.

His outstanding and significant contribution was also recognised in 2015 when he was appointed as a Member of the Order of Australia. His citation in the Queen's birthday honours read:

For significant service to the community through policy direction and reform in public administration, and the social welfare sector, and to cricket.

May that be how he is remembered, Madam Speaker: for his significant service to the community through policy direction and reform in public administration, the social welfare sector, and, of course, his beloved sport of cricket.

I would like to conclude this morning by expressing, on behalf of this chamber, our condolences to John's wife Kathryn; to his brother Robert; to Richard, Meredith, Philip and Cath; to their children; and to John's close friends and former colleagues who are here with us in the chamber this morning.

MR COE (Yerrabi—Leader of the Opposition) (10.09): I too rise today to express condolences on behalf of the ACT opposition at the passing of Mr John Turner AM. Born in February 1939 in Melbourne, Mr Turner joined the public service as a base-grade clerk at the age of 15, before moving to Canberra in 1959, describing it as a "big country town". Originally only working under a six-month contract, Mr Turner, having enjoyed his time in Canberra, decided to move here permanently. "You went shopping on a Friday night in Kingston and met the entire population," he said, describing a city of only 45,000 people at the time.

Mr Turner joined the Department of the Interior in 1965, working in a number of different roles. He enjoyed working on "things that mattered in your own city" and spent a considerable amount of time on ACT-focused projects within that department. Mr Turner was appointed as ACT city manager in 1987 and played a crucial role in the preparations for self-governance that were to follow in 1989. The city manager role was an important one, with extensive responsibilities, including transport, housing, traffic and roads. However, Mr Turner's love of contributing to this city saw him commit extensive amounts of time to ensuring that his city was well managed. It was not just a job but it surely was something that he had a real passion for. He said in 1988:

So many public servants work in policy areas that have nothing to do with the city. I enjoy it because I'm working in a job directly relevant to the community in which I live.

Throughout the transition and early days of self-government, Mr Turner managed the Department of Urban Services, a role that he stayed in until 1997. In those eight years he worked for several ACT governments in what were perhaps tumultuous days,

especially in the chamber. He was credited with the idea of introducing ACT government shopfronts, which allowed Canberrans to better access ACT government services.

Upon his retirement in 1997, he had left a legacy of providing direct and unfiltered advice throughout his time as a public servant. He was inducted in 2015 as a Member of the Order of Australia.

In his time in the ACT he was involved in the establishment of new payroll systems following the establishment of self-government, a major restructuring of the Department of Urban Services in 1992, and the rollout of Telecom's CityWide Spectrum service, which involved 11,000 government telephone numbers and 350 locations. He acted as the chief executive of Health and was on the board of the ACT Tourism Commission.

It was reported, on the anniversary of having served 40 years in the public service, that he expressed pride in the speed in which the "remote" commonwealth culture had been replaced with a "parochial" outlook. He was also instrumental in the relocation of the ACT Legislative Assembly to here in the South Building.

A major contribution Mr Turner made to Canberra that was not through the public service was, indeed, through cricket, as the Chief Minister just said. He was a keen cricketer, playing over 200 games in the 1970s and 80s. After his retirement from the public service, he continued to work with Cricket ACT, where he served as a board member from 1997. He became chairman in 2000, a role in which he served until 2010.

Prior to that—many years prior—he was president of East Canberra Cricket Club, now Eastlake. In that capacity he brought a major sponsorship deal to the club in 1978 from Palmdale Insurance. He also secured the lease for the club to use Kingston Oval. He was instrumental in securing funds for much needed upgrades at Manuka Oval, and he was honoured with life membership of Cricket ACT in 2009.

Mr Turner was also an advocate for those in need and spent a large amount of time working with Communities@Work, where he served as chair between 2003 and 2010, and was awarded life membership for his distinguished service.

Mr Turner remains one of the ACT's most distinguished public servants, as well as a great contributor to our Canberra community. On behalf of the opposition, we join the government in honouring him, and we extend our condolences to his wife Kathryn and his children Richard, Meredith and Philip.

MR RATTENBURY (Kurrajong) (10.14): On behalf of the ACT Greens, I join my Assembly colleagues in expressing my condolences on the death of John Turner, who played a pivotal role in helping to set up the city of Canberra that we know today. Mr Turner died on 14 February, aged 80.

As has been outlined, Mr Turner worked in public administration for 43 years, becoming Canberra's city manager, and has been described as setting up the "nuts and

bolts” of self-government in this city. During the transition to self-government Mr Turner briefed incoming ministers on their responsibilities. He worked for three decades with the ACT administration under the commonwealth, which would become the ACT government following the transition to self-government.

Mr Turner had a great appreciation for the ACT’s natural environment, and is in many ways responsible for Canberra being labelled the bush capital of Australia. He was instrumental in setting up Floriade, as well as the declaration of Namadgi National Park and the establishment of the parks and conservation service.

Mr Turner had a great passion for this city and clearly enjoyed working to improve the lives of its residents. At the Department of the Interior he enjoyed “working on things that matter in your own city”. When asked about his role as the ACT city manager, he said, as Mr Coe has outlined:

So many public servants work in policy areas that have nothing to do with the city. I enjoy it because I’m working in a job directly relevant to the community in which I live.

Despite his great contribution to our city, Mr Turner’s career as a public servant did not begin in Canberra; rather, he first joined the Department of the Navy in Melbourne as a 15-year-old clerk. He moved to Canberra in 1959 on what was supposed to be a six-month posting. I think that is a quintessential Canberra story. He initially thought of Canberra as a “big country town”, which was probably an apt description of a city which at that time only had 45,000 people. “You went shopping on a Friday night in Kingston and met the entire population,” he said. That may now be Braddon, but that was clearly relevant in his time.

In 1965 he was recruited to the Department of the Interior. In 1987 he became the ACT city manager, and had responsibility for transport policy, roads, traffic management, technical services, public transport, parks and conservation, recreation, housing, and the fire brigade.

From 1988 to 1997 he managed the Department of Urban Services. In this role he had responsibility for 4,400 staff and an annual budget of more than \$180 million. In this role Mr Turner also set up the ACT shopfronts, which are now known as Access Canberra. This brought together multiple ACT government services in single offices, with the first opening in Civic in 1988. These were seen as having a big impact on the Canberra community by making it easier for the community to interact with different government agencies. He retired as the Chief Executive of Urban Services in 1997.

Following his retirement he continued to be involved with the Canberra community. Mr Turner was the chair of Cricket ACT and Communities@Work, and is a life member of both organisations. Cricket was a lifelong passion. He played in Melbourne; then for the Manuka-cum-Eastlake Cricket Club.

Mr Turner was inducted as a Member of the Order of Australia in the Queen’s birthday honours in 2015 “for significant service to the community through policy

direction and reform in public administration, and the social welfare sector, and to cricket”.

There are perhaps few people who have had such an impact on the streetscape of Canberra and the operation of the ACT government as Mr Turner. The Canberra community has been extremely lucky to have benefited from Mr Turner’s years of dedicated service to our community. On behalf of the ACT Greens, I join my Assembly colleagues in conveying our thoughts and sympathies to his widow, Kath, and his three children, Richard, Meredith and Philip.

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

At 10.20 am, the sitting was suspended until the ringing of the bells.

The bells having been rung, Madam Speaker resumed the chair at 10.23 am.

Justice and Community Safety—Standing Committee Scrutiny report 29

MRS JONES (Murrumbidgee) (10.23): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 29, dated 1 April 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS JONES: Scrutiny report 29 contains the committee’s comments on three bills, 15 pieces of subordinate legislation and one regulatory impact statement. 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 5

MR PETTERSSON (Yerrabi) (10.23): I present the following report:

Education, Employment and Youth Affairs—Standing Committee—Report 5—*Standardised Testing in ACT Schools*, dated 26 March 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In May 2018 the Standing Committee on Education, Employment and Youth Affairs resolved to conduct an inquiry into standardised testing in the ACT. The committee

initiated this inquiry to understand the purpose and use of standardised testing results, including the processes that supported standardised testing. This includes well-known tests such as NAPLAN, program for international student assessment and trends in international mathematics and science study. The committee also considered alternative forms of assessment and reporting currently used, such as A-E reporting.

The committee conducted five public hearings and received 12 submissions. The committee made 20 recommendations. They acknowledge that standardised testing can be useful to students, parents and educators when conducted correctly. A number of recommendations consider how results are published in the media. The report also highlights that standardised testing should be considered a low-stakes test and not generate additional stress for students, parents or educators. The committee recommends clear guidelines for prohibiting preparation for tests enforced across all schools in the ACT.

The committee would like to acknowledge the significant contributions from those participating in the inquiry either by providing submissions or attending as witnesses. I particularly thank the Minister for Education and Early Childhood Development who provided the committee with a number of additional resources that assisted us in making our final recommendations.

MS LEE (Kurrajong) (10.25): I welcome this opportunity to speak briefly on this report. I was not a member of the committee when this inquiry was taking evidence but as shadow minister for education I followed its progress closely and had the opportunity to deliberate in preparing the report for tabling today.

In May last year, amid a long, concerted campaign by the union and, some could argue, perhaps even the minister, to discredit NAPLAN, the education committee decided to conduct its own inquiry and broadened its scope to cover standardised testing across the board. That includes PISA, program for international student assessment, also PIPS, performance indicators in primary school, and PIRLS, progress in international reading literacy study.

Over a period of some months the committee sought and received a number of submissions from a wide number of sources and held a number of public hearings where evidence could be examined and tested. I believe that the 20 recommendations listed in the report will provide a very useful reference for the ACT Education Directorate and also the minister in her work on the education ministerial council.

The report acknowledges that standardised testing and particularly NAPLAN have an important role to play but of course are not without their flaws. But should NAPLAN be scrapped because some are not comfortable with it? Should NAPLAN be scrapped because this minister and this government do not like the numerous independent experts' findings that the ACT has been sliding in academic performance? I do not believe so and, fortunately, the education committee does not either.

In moving to some of the recommendations, they overwhelmingly reflect support for continuation of standardised testing which can be a valuable diagnostic tool when

used appropriately. There was much evidence provided that the ACT is indeed underperforming academically.

Professor Andrew Macintosh spoke to his ANU working paper on academic underperformance in ACT schools during the inquiry. He said in part:

Across the ACT school sector there was an alarming number of schools where the students were, on average, more than six months behind the levels of learning of students in other comparable schools.

The ACT Council of P&C Associations also highlighted the fact that data from standardised testing over the past few years indicated a decline in student performance, inconsistent with resourcing and educational advantage. The Grattan Institute's 2018 report measuring student progress, a state-by-state report card, also noted:

... the ACT consistently makes the least progress of all states and territories, at both primary and secondary level, compared to similar schools in other states.

An analysis paper commissioned by the ACT Education Directorate by Professor Stephen Lamb, titled "Government School Performance in the ACT", came to similar conclusions that, compared to similar schools in other states, ACT students in both primary and secondary schools made around three months less progress than the national average in a number of subject areas.

The committee had the benefit of the ACT Auditor-General's Report No 4 of 2017, *Performance information in ACT schools*, and also the government's response to the Auditor-General's recommendations.

One of the recommendations emanating from the evidence taken is that the directorate initiate a public inquiry, in collaboration with the government and non-government school sectors, into the causes of the underperformance of ACT schools. Aligned with that is a recommendation that the education minister request the Education Council to commission research why some states make greater progress in some areas than others, particularly as the ACT is consistently making progress below the national average.

The minister has often suggested that it is merely a case of the other states catching up. Let us test that. In any case, we should never be satisfied to just sit on past performance or not give our children the benefit of achieving their full potential just to allow other states to play catch-up.

One consistent theme was the delay in testing results being returned to schools so that meaningful, timely interventions could be made to improve a student's performance. The committee recommends that the Education Directorate work more closely with the Australian Curriculum and Reporting Authority on the development and delivery of NAPLAN online.

Other criticisms were the way results were presented and that data used for comparison needed to be presented in a manner that recognised factors that influenced results.

The report recommends that we support our teachers by providing them with training to increase their understanding of data analysis in respect of all standardised tests used in ACT schools. It also recommends that schools not teach to the test, not prepare students in any coaching way, and reassure and educate parents that it is a window into a student's progress at a particular time, to be used to target teaching support where it might be needed.

We have the capacity and the ability to be the best in the country and the evidence provided to the committee in this inquiry is a big part of what will help us to get there. Despite attempts by some in the education sector to sugar coat everything, we have to acknowledge that everything is not all rosy in the education garden in the ACT and it could be better. To pretend otherwise is doing our current and future students a disservice and we owe our future generation more than that.

Question resolved in the affirmative.

Economic Development and Tourism—Standing Committee Statement by chair

MR HANSON (Murrumbidgee) (10.31): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism relating to statutory appointments, in accordance with continuing resolution 5A. I wish to inform the Assembly that during the period 1 July 2018 to 31 December 2018 the standing committee considered two statutory appointments to the ACT Government Procurement Board. I present the following paper:

Economic Development and Tourism—Standing Committee—Schedule of
Statutory Appointments—9th Assembly—Period 1 July to 31 December 2018.

Statement by chair

MR HANSON (Murrumbidgee) (10.31): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism relating to petition 19-18 concerning fair treatment for international students which was referred to the committee on 24 October 2018. The committee notes the response from the ACT government dated 14 December 2018 and intends to take no further action on this petition.

Statement by chair

MR HANSON (Murrumbidgee) (10.32): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism relating to the committee's inquiry into drone delivery services. On 1 November 2018 the Assembly resolved that the committee inquire into and report on drone delivery systems in the ACT. The committee is required to report no later than the last sitting week in 2019. The committee has held three public hearings and has begun drafting its report.

Over the course of the inquiry it became clear that there are a number of agencies with regulatory roles relating to drones and that there may be gaps in the regulatory responsibilities. A specific issue relating to the interpretation of commonwealth regulations has been brought to the committee's attention. The committee has written to the responsible federal minister seeking further information but notes that, with the impending federal election, there may be a delay in receiving a response. The committee intends to wait until it has received a response from the federal minister before tabling its report in the Assembly.

Recreational vehicle tourism

Ministerial statement

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.33): I am pleased to report back to the Assembly on the implementation of practical solutions to better support the needs of the recreational vehicle market. In 2013 the ACT government developed a tourism 2020 strategy to provide a framework of programs and activities that could help grow the value of the ACT's overnight visitor expenditure to \$2.5 billion by December 2020, from a base of \$1.58 billion for the year ending June 2013.

I am pleased to report that the current value of overnight visitor expenditure in the ACT is \$2.37 billion, indicating that progress towards our 2020 target is well on track. As a tourism destination, Canberra has undergone significant change over the past decade. This includes the launch of a wide range of new tourism products and experiences and significant investment in new hotel development and tourism infrastructure, along with the creation of thriving and vibrant new city precincts for locals and visitors alike.

In line with this evolution, Canberra is also experiencing rapid perception change amongst consumers as a short break destination. This is largely due to the development and promotion of our city's unique destination positioning, tied to proximity and diversity or, in other words, the breadth and depth of experiences closely concentrated in and around the Canberra region. This ease of access competitively differentiates Canberra's tourism offering from most other short break destinations. It also makes Canberra highly suitable for all types of short break travellers, including the recreational vehicle market.

In 2017 VisitCanberra undertook further research to identify and understand the different motivations that exist nationally for short break travellers. The research identified five distinct groups that were considered directly relevant for Canberra. These groups are those who seek variety, those who seek to make memories, discoverers, rechargers and event seekers.

As a destination marketing organisation, and in ensuring the most efficient use of resources, VisitCanberra focuses its market efforts on these key visitor segments and their specific motivations for travel, rather than being based on variables such as age, life stage, income levels and travel mode. This targeted approach helps to provide the

greatest return to the ACT economy. However, it should be noted that Canberra does have an identified strength in drive tourism, with two-thirds of domestic overnight visitors using self-drive vehicles to access the destination.

Therefore, in line with the tourism 2020 strategy and its desired outcomes, the ACT government is working on practical solutions to better support the RV sector, including better promotion of existing facilities, ongoing review of existing facilities to inform future infrastructure investment, and investigating options to leverage the strong relationship between the ACT government and the Canberra Region Joint Organisation to support a whole-of-tourism-region approach.

In specifically responding to the needs of the RV market, I can report back as follows. First, I deal with the provision of appropriate RV parking close to town centres, and fresh produce shopping. The 2016 relocation of the Canberra and region visitors centre to Regatta Point now sees this outstanding tourist information facility situated within walking distance, as in less than one kilometre, to the CBD and major shopping and dining precincts.

Coupled with easy walking access to Lake Burley Griffin and major national attractions, the Canberra visitor information centre provides all-day free parking for RV owners, along with one hour free parking for other vehicles. This was specifically negotiated by the ACT government as part of lease conditions with the National Capital Authority. The Canberra and region visitors centre also serves as a designated pick-up and drop-off point for the recently introduced culture loop shuttle bus, a free service which transports passengers on a convenient loop to the Canberra Centre and to our city's cultural attractions and places of interest.

The next item was the provision of short-term, low cost overnight parking for RVs. While no Australian capital city or other major city location is accredited as RV friendly, it should be noted that Canberra already provides a strong range of facilities for the RV market. Six properties currently offer short-term overnight parking for RVs, with a further location at Canberra Park, adjacent to Exhibition Park in Canberra, due to come on line in the middle of this year.

Exhibition Park in Canberra also provides extensive overnight parking availability for RVs, while Canberra Park is in its final stages of developing approximately 80 premium powered sites, including drive-through sites for larger vehicles. Both of these properties are well positioned to facilitate access to Canberra's light rail service, which will provide easy connectivity to the CBD as well as to dining and shopping precincts located along the light rail corridor.

The other available locations are also suitably equipped to meet the needs of the RV market, with a combined 230 sites, powered and unpowered, on offer. Additionally, there are three RV sites in the region which have a pet-friendly policy: Exhibition Park, Eaglehawk Holiday Park and Capital Country Holiday Village.

I turn to access to potable water at appropriate locations. Potable water is available at the Canberra and region visitors centre and at each of the overnight parking accommodation options I have just mentioned, again, with free all-day parking for

RVs at the visitors centre. This particular location ticks a number of additional boxes for RV travellers, including access to a world-class visitor information facility and its close proximity to the CBD, tourist attractions and other key services.

Access to free dump points is an issue. Exhibition Park in Canberra provides a permanent black and grey water dump point for overnight RV guests, with access covered under their site fee and at only a small cost of \$10 to RV users who are not staying onsite. The majority of other overnight parking accommodation options for RVs also provide either dump points free for guests staying onsite or with a small fee for non-staying customers.

In exploring options for a permanently located free dump point, I am aware that ACT NoWaste is currently considering the opportunity to introduce such a new facility when the Mitchell Resource Management Centre is relocated to a new site. Further consultation will occur as part of scoping feasibility and developing special and infrastructure plans for this facility.

The ACT government, in partnership with the private sector, is committed to understanding and supporting the RV market, where possible, in order to build on our key achievements to date. I advise the Assembly that VisitCanberra will be attending the upcoming New South Wales Caravan Camping Holiday Supershow in Sydney. This provides a valuable opportunity to directly engage with RV travellers and to learn more about their experiences of navigating the Canberra region.

The specific needs of larger campervans and RVs means that there are a variety of issues that all cities need to contemplate in terms of land use and service provision. The ACT government will continue to give appropriate consideration to potential returns on additional infrastructure investment that supports the RV sector. This will be done in a manner that best balances the needs of our local tourism industry and our short break visitors whilst also ensuring that there is a clear alignment with the territory's tourism 2020 strategy. I present the following paper:

Recreational Vehicle Tourism in the ACT—Ministerial statement, 2 April 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

A step up for our kids—snapshot report 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) (10.41): In April and October last year I presented six-monthly progress reports on A step up for our kids—one step can

make a lifetime of difference, the out of home care strategy 2015-20. I am pleased to now present the third progress report.

As members are aware, the out of home care strategy aims to improve outcomes for children and young people in the care of the Director-General of the Community Services Directorate by providing more flexible, child-focused services and reducing demand for out of home care places.

The snapshot report is one of a range of reporting and evaluation mechanisms the Community Services Directorate uses to facilitate ongoing implementation and monitoring of the strategy. The report provides point-in-time data on service demand, the performance of the out of home care system and comparisons between reporting periods from July 2016 to December 2018.

The last report presented to the Assembly was the first opportunity to view the 2016-17 and 2017-18 data side by side. The addition of the first two quarters of 2018-19 in this report helps us to identify where there are trends that should be responded to or whether we are seeing temporary fluctuations in service demand. Shortly, I will talk to some of the trends that have emerged since the implementation of the strategy.

To provide a more holistic view of how the out of home care services system is performing, the Community Services Directorate will continue to increase the number of headline measures as the service system matures and more data becomes available. The current headline measures include the number of children and young people entering care in that quarter; the number of children and young people exiting care; a comparison of the number of children being case managed by ACT Together and child and youth protection services to monitor service capacity, indicating the number of children on short-term orders versus long-term orders; the types of placements children are in at that time and the number of children in each placement type; the number of enduring parental responsibility orders and adoptions completed; and the number of newly approved carers and number of carers exiting.

As I have said previously, reform of this nature takes time. A step up for our kids aims to create generational change, to break cycles of intergenerational harm and improve long-term outcomes for families, children and young people. This snapshot report highlights the following: service demand continues to increase but at a lower rate in 2018-19 than in 2016-17 and 2017-18. From July 2018 to December 2018, 53 children and young people entered the out of home care system. This was 30 fewer than in the same period the previous year—a 36 per cent reduction.

As reported in the two previous updates, this reduction in demand is also reflected in the lower number of Aboriginal and Torres Strait Islander children and young people entering care compared to the previous reporting periods. Promisingly, Aboriginal and Torres Strait Islander children and young people represented 17 per cent of those entering care in the first half of 2018-19, compared with 35 per cent in the equivalent period in 2017-18. We are talking about small numbers over a limited period of time, so it is appropriate to be cautious, but this is certainly a hopeful sign.

The number of children exiting care is slowly decreasing. The number of children on long-term orders increased from 560 as at December 2017 to 593 in December 2018, reflecting the stability of placements for children and young people in the out of home care system. This is one reason we are not seeing the reduction in entries reflected in a fall in overall numbers.

The majority of children and young people in out of home care continue to be children and young people on long-term orders. Almost half of children and young people in care are currently placed with kinship carers. The majority of children and young people in residential care continue to be aged 12 and above. A key priority area for ACT Together and child and youth protection services is to continue to work together to reduce the number of children and young people in residential care.

From July to December 2018 there have been a total of 10 enduring parental responsibility orders and one adoption. If this trend continues throughout the remainder of 2018-19, it will be the highest number of enduring parental responsibility orders and adoptions since the implementation of the strategy. In the 2018-19 budget the government delivered \$3.46 million over four years to ensure that resources are available to support the timely delivery of permanency outcomes.

From July to December 2018 four kinship carers left the system, with no foster carers electing to leave. The number of new carers approved continues to increase, with 49 foster and kinship carers approved during July to December 2018. During this same period a total of 70 carers had their approved carer status renewed. The increase and retention of carers is a great outcome and demonstrates child and youth protection services and ACT Together's commitment to supporting carers, who are so central to the out of home care system. Last week that support was given a further boost with the release of a new carers handbook.

As at the end of 2018, 93 per cent of Aboriginal and Torres Strait Islander children and young people in care had a cultural plan in place. Whilst this number has remained consistent throughout July to December 2018, it is lower than at December 2016 and 2017. Child and youth protection services remains committed to undertaking quarterly reviews to address compliance with this important feature of the system and to ensure quality cultural plans are in place. Cultural plans support the preservation and enhancement of the cultural identity of Aboriginal and Torres Strait Islander children and young people, and the Our Booris, Our Way steering committee has emphasised the importance of quality plans.

As I mentioned earlier, the data provided in the snapshot report is used by the Community Services Directorate and heads of partner agencies to monitor the progress of A step up for our kids. It is important to note that the data is internal operational data that can be updated and changed between reporting periods, and caution should be exercised when using and interpreting data in this report and comparing between reporting periods.

The Community Services Directorate remains committed to the measurement of long-term outcomes. As members would be aware, A step up for our kids is a

fundamental shift in the provision of services in the out of home care sector. In order to determine the overall success of the A step up for our kids strategy the ACT government engaged the specialist services of KPMG to develop an outcomes-based evaluation framework, including indicators to measure strategy outcomes; conduct an initial baseline review to determine the suitability of measures and establish a performance benchmark; and perform a mid-strategy evaluation against the agreed outcomes.

The Community Services Directorate has been working closely with our community partner agencies over the last six months on data collection and I am pleased to advise that KPMG is in the final stages of preparing the mid-strategy evaluation for public release.

In addition to the evaluation and ongoing monitoring of service delivery, the Community Services Directorate has recently completed a mid-term contract review of the six agencies funded under the strategy. The mid-term contract review comprised an independent contract audit to ascertain how each organisation was performing against the contract to make an assessment of their financial sustainability and governance arrangements. Following the contract audit, discussions were held with all funded agencies to make an overall assessment of system performance and identify whether there were any service gaps or opportunities for improvements to the implementation of A step up for our kids.

I am acutely aware of the over-representation of Aboriginal and Torres Strait Islander children in the statutory child protection system and am committed to developing better ways of working in order to respond to the issues and to drive change in this area. In my October 2018 ministerial statement I welcomed the release of the interim report by the Our Booris, Our Way steering committee on 31 August. I am pleased to advise that the ACT government continues to act on the recommendations from the interim report.

The directorate received interim recommendations which covered cultural proficiency for child and youth protection service staff, implementation of the Aboriginal and Torres Strait Islander child placement principles within policy and practice, and access to the family group conferencing initiative for Aboriginal and Torres Strait Islander children and young people.

The ACT government has commenced work to address the recommendations as part of an ongoing commitment to reducing over-representation of Aboriginal and Torres Strait Islander children in the statutory child protection system, including establishing a designated Aboriginal and Torres Strait Islander practice leader position within child and youth protection services who will play a key role in supporting and embedding the Aboriginal and Torres Strait Islander placement principles.

The development of a practice guide and training schedule for staff, on the implementation of the Aboriginal and Torres Strait Islander child placement principles in practice, and continued support for staff to undertake the child and youth protection services cultural development program are designed to provide staff with

an understanding of Aboriginal and Torres Strait Islander cultures, with a strong focus on collaboration and the establishment of positive working relationships.

The 2018-19 budget review included \$308,000 in 2018-19 to commence work on addressing the Our Booris, Our Way recommendations. Five further recommendations were received from the steering committee in December. I have provided an initial response to the committee regarding these recommendations, and work has already commenced on a number of them.

Alongside this important work being undertaken through the Our Booris, Our Way review, I also take the opportunity today to provide an update on the family group conferencing program and the functional family therapy program being progressed by child and youth protection services in order to support the investment of A step up for our kids in intensive parenting and family preservation supports for Aboriginal and Torres Strait Islander families.

As members are aware, the family group conferencing model for Aboriginal and Torres Strait Islander families is being delivered in partnership with the majority Aboriginal owned and managed organisation Curijo. Where children are not able to stay safely at home, the team works with and supports families to identify the most appropriate kinship options to ensure the children remain connected to family and community.

Family group conferencing ensures all members of a child's extended family are contacted and encouraged to be involved in the decision-making process about the child's situation. This process is considered to be in line with Aboriginal and Torres Strait Islander cultural values of family and community responsibility and has been supported by the Our Booris, Our Way steering committee.

From the commencement of the family group conferencing program in November 2017 to the end of March 2019, 22 families have been involved in a family group conference, involving 50 children—that is 22 families making decisions about how to keep their children safe. Thirty-one Aboriginal and Torres Strait Islander children have not subsequently entered care following a family group conference. For the remaining 19 children, decisions about the best care arrangements other than with birth families have been made by the extended family.

In the last progress report presented to the Legislative Assembly, I spoke to fact that work would commence in early 2019 on the new functional family therapy program. I am pleased to advise that the partnership between Gugan Gulwan and OzChild for the delivery of functional family therapy is now taking referrals. The program specifically targets Aboriginal and Torres Strait Islander families with children and young people aged from birth to 17 at risk of entering the out of home care system, to support the reunification of a child or young person from care.

In closing, I acknowledge the importance of A step up for our kids to the Canberra community. I look forward to sharing the results of the mid-strategy evaluation and the ongoing transformation of the out of home care system with the Assembly in the next progress report. I present the following papers:

A Step Up for Our Kids—Out of Home Care Strategy Update—April 2019—
Ministerial Statement.

A Step Up for Our Kids—Snapshot Report, 28 February 2019.

I move:

That the Assembly take note of the papers.

MRS KIKKERT (Ginninderra) (10.54): I thank the minister for the update she has provided. I certainly welcome the good news that the number of children entering out of home care in the last six months of 2018 was lower than the number entering care in the same period in the previous year. Of course, I will need to see these numbers in context to have a greater sense of what the trend might be. I also welcome the news that permanency outcomes, after being appalling low for so long, may finally be on the increase. Information about the early successes of family group conferencing is likewise hopeful and strongly suggests that this government should be wisely investing to make access to these kinds of intensive family preservation supports more universal.

Despite the modest amount of good news in the minister's statement, all is not well in this government's care and protection system, as revealed by those who know it best—the children and young people in the system. The CREATE Foundation, the national body representing those in care and protection, has recently released a comprehensive survey report subtitled *Children and young people's views after five years of national standards*. This survey has been endorsed by academic experts across Australia as solidly researched.

Like the minister's statement, the survey has some bright spots, but it is also full of worrying results. Former Chief Minister Jon Stanhope recently worried aloud that people in Canberra do not seem to be aware of or care about serious failings in this government's child protection system. Today, I wish to say on record that I and the Canberra Liberals care and that I am aware of what is going on.

Let me quickly list some concerns from the CREATE survey. Of all jurisdictions in Australia the ACT has the lowest mean stability in placements and the highest number of young people unhappy about how many placements they have experienced. The ACT, by a long way, has the nation's highest rate of young people removed from placements against their wishes and at the same time the lowest rate of such young people who report being consulted in relation to removal.

Unwanted removals in Canberra are more than double those reported for either New South Wales or Tasmania and nearly double those reported in Victoria. Children here are 25 per cent more likely to report being taken from a placement against their wishes than they are in the Northern Territory, which experiences the second highest rate. Young people in the ACT are the least likely in the nation to report that they agree or strongly agree that they feel safe and secure in their placements. They also report greater unhappiness with their current placements.

The ACT ranks at or near the very bottom of several interrelated factors. We tie with the Northern Territory for the fewest young people who report being listened to by the care and protection system. We are second last when it comes to the number of young people who report participating in formal meetings that involve them. And our kids are dead last for reporting being listened to in such meetings when they are allowed to participate.

The ACT ranks last when it comes to kids in care reporting that they are able to do the same kinds of things as their peers who are not in care. We are second lowest when it comes to young people feeling they can get permission to engage in those kinds of normal activities. Young people in this government's care and protection system were ranked last in the nation for how they feel about their health and reported the most difficulty in accessing doctors, dentists, and counsellors. They also reported the lowest satisfaction levels with preventative health services.

The territory's children in care came in dead last in assessing their learning at school and they reported the second highest incidence of being bullied at school. Tragically, the ACT is the only jurisdiction in Australia where not a single survey respondent reported knowing about having a transition plan in place for when they exited the care and protection system. This is a very sad outcome, caused by this disgraceful government. Unsurprisingly, in light of all of the above, the ACT was ranked dead last by children and young people in care when it came to overall satisfaction.

In her statement the minister said this government's out of home care strategy aims to improve outcomes for children and young people by providing more flexible, child-focused services. The strategy itself states that it will require changes in practice to ensure that the voice of the child or young person is clearly heard, but the voices of our kids in care are saying that they are not okay and they are not being listened to. It is the government's responsibility to listen to these kids, and they are failing tremendously.

I conclude by quoting Associate Professor Tim Moore, Deputy Director and Head of Practice Solutions at the Australian Centre for Child Protection, who said:

After 20 years of advocacy, it is frustrating to hear from children and young people that many are still not given opportunities to have their say or for their concerns to be taken seriously and dealt with in the ways that they would like.

The territory's kids in care have spoken. There is simply no excuse for this territory to be ranked dead last in the nation across so many areas of its child protection system. I urge this government to hear them and take action. Associate Professor Moore further said:

Without such action our systems fail to live up to the expectations of the UN Convention on the Rights of the Child and to ensure that children are at the heart of the services and systems that are there to support them.

Question resolved in the affirmative.

Statement of priorities

Ministerial statement

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (11.01): I am pleased to speak today on the first six months of my ministerial appointment and outline the government's priorities within my portfolios of city services, community services and facilities, multicultural affairs, and roads. In the last six months the ACT government have continued to deliver on our election commitments, respond to the needs of Canberrans and show leadership on progressive policy that will improve the lives of all people.

Our government is committed to a responsible approach to managing the environment. We believe in and value the importance of improving our recycling rates and in reducing the amount of waste going into landfill. We have set an ambitious target of diverting 90 per cent of our waste from landfill by 2025. We are on track to meet this target. Our government is wasting no time and is bringing in new services for Canberrans to reduce our waste production.

Delivery of green bins to the Canberra community has been and continues to be a priority for the government. It is a priority because our government is committed to reducing waste going into landfill. After the success we had with the initial rollout in Belconnen, Tuggeranong, Weston Creek and Kambah, we brought forward the Canberra-wide rollout of the program from June 2020 to 1 April 2019. We have prioritised this highly popular service and delivered it on budget and ahead of schedule.

The government continues to successfully implement the container deposit scheme. Since its implementation, over 16 million containers have been returned. The China national sword policy has seen a significant change in the market for recyclables. The importance of providing high quality and clean recycling resources for industry is greater than ever. The container deposit scheme has been vital in providing a waste stream low in contamination. Further work is to come on educating the community on the benefits of the container deposit scheme and delivering further locations to make it even easier to recycle.

As the community moves away from the linear economy, the ACT government has continued to show leadership to build a circular economy. We have put circular economy principles into practice with a trial of different recycled materials in asphalt. This year we will resurface one million square metres of road. Part of the resurfacing will now incorporate soft plastics, used printer toner cartridges, crushed glass and reclaimed asphalt materials. In each tonne of the innovative materials we are trialling, we will reuse 800 plastic bags, 300 glass bottles, 18 printer toner cartridges and 250 kilograms of reclaimed asphalt. We will continue to look at how we can procure more recycled materials for our roads, with approximately 3,150 kilometres of roads in the ACT, improving the amount of recycled product in our resurfacing program and significantly reducing the amount of waste going into landfill.

A project close to me and to others in this place has been the delivery of the Mount Taylor car park, which complements ongoing work taking place on Mount Taylor to improve the walking tracks for visitors, a project which has also used recycled asphalt.

One of my first acts as minister was to receive the better suburbs statement, the outcome of a commitment to participatory democracy commenced by my predecessor, Minister Meegan Fitzharris. We will continue to update the community and the Assembly on how we are implementing the better suburbs statement throughout the term. The better suburbs program also saw the allocation of \$1.9 million for new nature play spaces and upgrades to 24 existing playgrounds. The work on these new and refreshed playgrounds is already underway in Glebe Park, in Farrer and at Eddison Park in Woden, in consultation with the community, and reviews will begin soon in several suburbs.

The ACT government has also delivered on numerous community services and community facility projects. We have provided \$80,000 for a new men's shed in Hughes and a new site for the Weston Creek men's shed. This is an important project that allows older men to participate, socialise and give back to the community, supporting positive ageing in our inclusive city.

As Australia's most inclusive city we have hosted many successful multicultural events where our diverse community display their varying heritage and backgrounds. In November last year we delivered on our election commitment and the parliamentary agreement to host the multicultural summit. At the summit, 150 community leaders met to identify a range of different actions to sustain Canberra as an inclusive multicultural community. For some it will deliver tangible outcomes for the community. Further work as a result of this summit will be presented to the Assembly.

Our library service continues to provide a range of lifelong learning experiences to the ACT community. The Heritage Library, keeping alive and accessible the history of our city, has relocated to better facilities in Fyshwick. Its former space in the busy Woden Library will be enhanced for community benefit.

Our government has achieved a great deal in the past six months, but there is so much more to do for the Canberra community. We are an inclusive city. With a single city council, Canberrans in Dunlop and Deakin get the same level of high service. This sets us apart from other major cities, where local council services are subject to extreme inequality. We are also a city that believes in fairness. We are investing in renewing the city's established suburbs, just as we are investing in the facilities in our new suburbs. It is inclusion and fairness that lead to Canberra being ranked as Australia's most livable city.

We are committed to continuing to deliver a fairer and more inclusive city. This week I announced a number of additional measures the ACT government is taking to build on this commitment. We are increasing the delivery of city services by working more efficiently. Through new technology and changed crewing arrangements we are keeping our street sweepers on the road longer, delivering a 15 per cent increase in the

amount of street sweeping across the city. That is an Olympic-sized swimming pool of leaves and rubbish that would otherwise find its way into our stormwater system.

Through our new approach to maintaining streetlights, we are increasing the available maintenance crews by 40 per cent, making our network even more reliable. The response time to deal with simple streetlight defects is two days, down from the previous 10. This is alongside the benefits of a 13 per cent more energy efficient network through new LED luminary technology as we continue to replace 45,000 streetlights.

The urban treescaping team, who work incredibly hard over the storm season, particularly on the south side of Canberra, are addressing the damage done and are now gearing up for the autumn planting season. Around 450 new trees will be planted during autumn and we will continue to plant more trees to augment our tree canopy and retain the character of our bush capital.

Alongside the investment in better services, we are also making our city safer and more livable for all by ensuring Canberrans are doing the right thing. I announced this week that we will employ six additional staff in new positions to create a dedicated compliance and engagement team. The new compliance and engagement team will provide extra teeth for the existing licensing and compliance area in Transport Canberra and City Services, who administer legislation including the Domestic Animals Act 2000, the Litter Act 2004 and the Public Unleased Land Act 2013.

For us to be an inclusive city for all our residents, all our residents must be confident that they can navigate through our streets and our shopping centres safely, without new and unexpected hazards. Canberrans living at the interface with the bush must be confident that those responsible for dumping waste on their doorstep will be stopped. Irresponsible dog owners, illegal dumping, tree damage, verge maintenance, moveable signs and the use of public land will be the focus of the new engagement and compliance team. The ACT government is committed to ensuring that the public follows the laws that govern each of these regulatory areas. If you act unlawfully, you are at risk of receiving an on-the-spot fine.

The ACT government is investing fairly across the city in improvements to our town centres and our local shops, north and south. On the south side we are changing the face of Tuggeranong with a \$7 million investment in upgrades, including the complete renewal of Anketell Street and the laneway to the lake. We will be providing outdoor dining space, an open event space, a new pedestrian crossing, accessibility ramps and a new grassed area with shade, seating and a view over the lake. We are also investing in improving waterways and in additional street sweeping to address water quality in Lake Tuggeranong.

The ACT government is supporting the regeneration of Woden through the Woden experiment, a \$1 million investment by our government to transform a previously challenging and windy space into a more vibrant centre, providing a great quality public space for people on the south side. The upgraded square features new furniture, areas set aside for pop-up food and drink vendors and a new nature play area, drawing more people into the heart of the town centre.

At local shops the ACT government is about to get the second stage of upgrades to the Kambah Village group centre underway. On the north side, the ACT government's key project in Belconnen has been improving active travel connections, and we will soon be announcing the next steps in the delivery of the Belconnen bikeway.

Our government understands the national waste crisis that Australia is facing. We are not going to be complacent. It is the responsible thing to do to reduce and to reuse waste resources in our society. Along with the responsible actions our government has already taken to manage waste, we need to continue to build the circular economy in the ACT and further reduce the amount of waste going into landfill. In response to the Commissioner for Sustainability and the Environment's *Unfantastic plastic* report, the government will engage with the community on expanding the successful plastic bag ban to include a broader range of single-use plastics.

This important sustainability initiative requires careful consideration of the effects on Canberrans and of the environmental impact of substitute products. We have an opportunity to lead a national approach on phasing out problematic and unnecessary single-use plastic and I am eager to gauge the community's view on our approach to this important issue of single-use plastics.

Improving our recycling rates is essential. This also includes food organic waste, which is currently going into landfill from household garbage bins. We continue to look at food organic waste and at developing an appropriate waste to energy policy in the ACT, based on our consultation with the community, to help reach our target of 90 per cent waste recovery by 2025.

The ACT is at the forefront when it comes to ensuring that we do the right thing and the fair thing by animals. We recognise that animals feel pain, physically and emotionally. Leadership is needed to give effect to our principles. I am proud of the tough decisions that have been made in this place, such as the greyhound racing ban and the ban on battery cages for hens and on sow stalls.

We want to continue to lead the nation on animal welfare. The changes that I will soon bring to the Assembly will be broad-ranging. Recognising animal sentience has received national attention, but we will also be seeking to legislate new offences for appropriate duty of care for an animal, thus ensuring that we have the best possible protections for people with assistance animals as well.

Ensuring animal welfare goes hand in hand with ensuring that our community is safe from the potential dangers of animals. Too often, animals are unfairly blamed for the irresponsible behaviour of their owners. To ensure that the broader community is safe, we are taking action on irresponsible dog owners, enforcing the law and educating the community.

The additional compliance staff I announced this week will enhance the investment the ACT government has already made in domestic animal services by supporting our rangers in delivering compliance. The government will continue to deliver against the recommendations of the independent review into dog management and will follow the advice of experts.

We have undertaken to review the Cemeteries and Crematoria Act, and I look forward to presenting the outcome of this review to the Assembly later in the year. I will be working with our community to ensure that we are inclusive of all beliefs, whether religious, cultural or personal, when it comes to burial and cremation.

The ACT government is also committed to fairness in access to services and ensuring that service providers are held to account where they fail to meet the standards expected by our community. To ensure that we are catering to the needs of the whole community and to make sure all Canberrans can access burials close to home, the government has announced that work has begun to deliver the southern memorial park.

The ACT government is committed to keeping Canberrans connected. That is why, as our city grows, we are investing in better roads and upgrading our intersections to keep the city moving. Last week I announced that the ACT government and the commonwealth government have invested in the first of a broad range of works to improve the Monaro Highway.

I am committed to seeing a more efficient and safer road network, one on which Canberrans, particularly those commuting from Tuggeranong along the Monaro Highway, can travel uninterrupted. We have an ambition to deliver an upgraded speed limit of 100 kilometres an hour along the Monaro Highway by designing new grade separated intersections.

We are also continuing to deliver on a range of infrastructure projects. The second stage of the Gundaroo Drive duplication is well underway. The detailed design of the duplication of William Slim Drive has commenced. Work is beginning on improving a number of intersections across the territory, particularly in the Belconnen area. We are working with the federal government to make significant improvements to travel time on roads on the south side as well, including the Monaro Highway.

Conversely, while we have been getting on with the job of delivering better roads that Canberrans need, we have also been advocating against the roads that they do not need. It is disappointing that the federal government has refused to remove Monash Drive from the National Capital Plan. I will work with whichever government forms power at the upcoming election to give certainty to Canberrans, particularly in the inner north, that this unnecessary and environmentally damaging road will never be built.

As we are delivering for the community, the ACT government are committed to ensuring that our own workforce is inclusive and treated fairly. Many areas, particularly in Transport Canberra and City Services, have traditionally been dominated by a single gender. I am committed to ensuring that we remove barriers and promote opportunities for an inclusive workforce.

We are also working with unions and the workforce to ensure that employment with the ACT government is secure employment. TCCS has a disproportionate share of the ACT government's temporary and casual workforce. I look forward to updating the Assembly on the delivery of more secure, permanent jobs. That is what a progressive government does.

Progressive governments also recognise the key role that community services play in making our city more inclusive. That is why we are investing in renewing our community facilities. Woden has seen work commence on a new community centre. We have started by bringing agencies from across government together to consider the options for a future community centre, in consultation with the community.

As Woden's regeneration continues, a community centre in the town centre to meet the future needs of the area is a priority for me. I have heard from the community that we particularly need to look at how we improve the availability of space for events, the arts, meetings and other community activities. As we invest in Woden, we are also starting work on the needs of the Gungahlin community to ensure fair access to community facilities across the city.

I am so proud to live in our inclusive, progressive and connected city. Inclusion is a choice and we choose to welcome migrant and multicultural communities in Canberra. The ACT government is working to build a socially cohesive community where all members of the community feel included and welcomed and have a sense of belonging, particularly our migrant and multicultural communities.

I am very pleased that, during the last sitting in this chamber, on Harmony Day we were able to join the Welcoming Cities network, with the support of all members here. It is an important next step for Canberra to continue to grow as an inclusive place, particularly for our migrant and multicultural communities, joining 135 cities and municipalities from around the world, learning from one another, and sharing best practice approaches and models. Our membership will also enable us to undertake a benchmarking assessment of ourselves against the Welcoming Cities standards, which will provide and identify practical actions that we can take to improve inclusion in our city.

As I mentioned earlier, the ACT government, through the Multicultural Advisory Council, hosted the 2018 ACT multicultural summit in November, delivering on our election commitment and the parliamentary agreement. As a result of the highly successful summit, the ACT Multicultural Advisory Council is taking a lead role in formulating the second action plan under the ACT multicultural framework 2015-20, a plan that will take us into the beginning of the next decade and prepare us for the future beyond 2020 as well. We will also continue to enhance our Multicultural Festival, with the new funding secured over three years in the budget review, to celebrate our diversity in Canberra's most loved and well-attended event.

Canberrans expect the ACT government to lead with progressive policies and to invest in the infrastructure our growing city needs. Canberrans have benefited from these investments being fair and being inclusive. The ACT government's priorities within my portfolios of responsibility will be to deliver an even fairer and more inclusive city, a city that continues to be Australia's most livable, with even better services. I present the following paper:

Statement of Priorities—Ministerial statement, 2 April 2019.

I move:

That the Assembly take note of the paper.

MS LE COUTEUR (Murrumbidgee) (11.19): I thank Minister Steel for his statement. I have not got time to go through it in detail, but it is very pleasing to see in there a number of things that the Greens have been pushing for for a long period—the ones I have talked about.

In the “talked about” category I put in Monash Drive. I imagine that probably everyone in this Assembly shares my frustrations, and I am pleased to see Minister Steel’s frustrations on this. It was part of our agreement with the Labor Party in 2008 to move it out of the ACT map. I am glad that everyone in the ACT has recognised that we do not want a road at the bottom of Mount Ainslie. There is simply no need for it, given how Canberra has developed, and it is a great pity that our federal colleagues do not spend enough time in Canberra to actually recognise what would seem to me to be the bleeding obvious.

Other things that we have been advocating for a long time and that Mr Steel talked about include LED lights in our street network. I think it is great that this is finally happening. It will reduce greenhouse gas emissions and in the long term also reduce costs for the ACT.

I am particularly pleased also to hear that more effort is going to be going into compliance with our various laws. Often we find in the ACT that we actually have quite good legislation but it has been let down because it is simply not being implemented. Dogs is obviously one area that comes to mind, but it is not just dogs. It is littering; it is parking; it is almost everything. City services are particularly important because most people think that is what the ACT government does, I suspect. They do not really realise that we in fact run education and health and that we are not just a council but a state. We are often referred to as the council, which is a little depressing.

Moving to another area which I have a little more to say about—waste—I am glad that this is something that has moved in the importance level. I am really, really looking forward to more discussion and more practical statements about what the government is going to do about reducing plastic waste. This is clearly a major problem. I was going to say it is an emerging problem. It is not an emerging problem. We have known about it for a long time. That was why in 2008, in the Seventh Assembly, we worked for and we banned plastic bags. That was the first step. We need to go further, and I very much look forward to seeing what that is going to be in practice.

On organic waste—and I am glad that the minister mentioned that—I would like to say that the first thing to do with organic waste, the obvious thing to do with organic waste now that we have a green bin system, is to put organic waste that comes from your kitchen as well as organic waste that comes from your garden into those green bins. As a gardener friend of mine was saying, this just does not make sense. “I pick

the broccoli and take it into the kitchen. Then I am not supposed to put it in the green bin, but if I decide the broccoli has been so infested by caterpillars that I want to get rid of the whole thing from my garden it goes in the green bin.” It does not make sense.

The Greens, for a long time, have said we would like to see our organic waste composted, as is happening with the green bin waste. I was a little concerned to hear that Minister Steel was suggesting that organic waste might, in fact, turn into waste for energy. I really think this is problematic. Australia has the oldest soils in the world. We tend not to have highly nutritious soils. We need basically to put all the organic matter we can back into our soil if we are to keep plant productivity going in Australia. If we do not do that, we will not be the only species who will suffer. I would like to say that this is something that we need to look at carefully. We know what we can do and what we should do.

As members may be aware, my daughter lives near Byron Bay. I am recently back from a holiday there. In Byron Bay, which is a lot smaller than we are, they have green bins. It takes garden waste. It takes kitchen waste. It works there. Why can we not make it work here?

I was glad that Minister Steel mentioned trees, but I was really disappointed to find reference to only 450 new trees. I am sure that he will remember that in the last sitting period I lodged a petition from over 1,400 people asking the ACT government to plant more trees. The petition talked about 7,000 trees a year and, as we all know from a question on notice that I asked, we are actually decreasing the size of our urban forest by 3,000 each year. So 450 is good, but it is simply not enough.

I was concerned when I listened to the minister’s discussion about roads. Obviously, I am in favour of increasing safety on roads—and I have no problems with making the Monaro Highway safer—but where I do have a problem is that this seems to be the government’s major road priority. I would suggest that if we are going to have a transport system that works for Canberra—a transport system that, dare I say, even lives up to the ideals suggested in the draft transport strategy, consultation on which has just finished—putting most of our energies into making roads faster is not the way we should be going.

With fast roads in particular, we should be making a separated space for rapid public transport, be it light rail, as will soon be coming to the city, or rapid transport buses. The blue rapid from Woden to the city works exceptionally well because a large part of it goes through a segregated bus-only lane and is not part of congestion. That is the emphasis that I would like to see on our road improvements, rather than enabling people to go faster. That has a place, but if we are to meet the ideals of our public transport system, and if we are to meet the ideals of our greenhouse gas commitments because we are moving our electricity system to renewable energy, transport will become the largest source of greenhouse gas emissions within the ACT. We need to significantly change how we are going to do it.

In general, I am very pleased with the emphasis on city services, but there are some areas where I think that, in the interest of long-term sustainability, we can and should do better.

MRS KIKKERT (Ginninderra) (11.27): I wish to thank the minister for providing us with a statement of his priorities. I note that in addressing community services and facilities the minister mentioned the need to improve the availability of space for events, meetings and other community activities. He also mentioned ensuring fair access to community facilities across the city. In addressing multicultural affairs, the minister also mentioned the need to make sure that migrant and multicultural communities feel included and welcomed and that they have a sense of belonging.

Those two priorities blend perfectly together in an issue that I raised in this chamber in February. I had been informed that policies for booking the Theo Notaras Multicultural Centre would change this year. Community groups that have long held regular events at the centre, including weekly language classes and weekly events for seniors with language barriers, have been told that they are now limited to using the function room. In addition, a new charge has been placed on using the centre's kitchen, where previously this was included in the booking.

Community groups, however, claim that they were not consulted on this matter and were caught unaware by these changes. This causes friction and hurt feelings, not to mention creating logistical problems for community organisations that are fully staffed by volunteers and feel unsupported by this government, even where their activities help to fulfil stated government priorities. To my knowledge, this concern has not been resolved yet.

I wish to remind Minister Steel and this Assembly that, in order to make migrants and multicultural communities feel welcome and included, this government must include them in the consultations that impact them, increase the availability of community facilities and ensure that access to such facilities is fair.

Question resolved in the affirmative.

Financial Management Amendment Bill 2019

Debate resumed from 19 March 2019, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR COE (Yerrabi—Leader of the Opposition) (11.30): The opposition will not be supporting this bill. This bill does not “improve the accuracy of budget estimates” as the government claims. In fact, it does the very opposite. It allows the government to essentially draw on the reserve to hide its mismanagement of capital works and the budget at large.

The bill allows the Treasurer to utilise funding allocated to years in the forward estimates through the newly created capital works reserve, which means that any budget figures for the relevant financial year are pretty much meaningless. In effect, the government may spend what they have budgeted during the budget year or they may spend what they have budgeted for future years. This is not how we should be operating in this place. It obscures how much the government is likely to spend in any

given year and props up the budget in the process by shifting numbers from one side to another.

There are other mechanisms within the Financial Management Act 1996 that already allow the government to modestly transfer or provide appropriate funds, and it is not apparent why additional resources are required. This legislation creates another Treasurer's advance style discretionary pool, and it is evident from the drafting and the supporting materials that the parallels between the reserve and the advance are intentional. This begs the question as to the necessity of this new power. If it is indeed an immediate or urgent need, why does the Treasurer not draw from the Treasurer's advance? Why does capital works require its own special allocation? Will there be other areas of the budget that will also get a discretionary fund?

We have been told that this will only be used for projects which are ahead of schedule and under budget. However, our experience has taught us that this is a very rare occurrence. The government have a history of blowing budgets and time frames for their projects, and this will enable them to obscure these matters by making use of a reserve. Based on the 2018-19 budget figures, the reserve for this year would have an estimated value of nearly \$290 million. It begs the question: what is the point of an annual budget if you have that sort of discretion? If projects are going poorly, or perhaps even well, there is no reason why we cannot come back into this place and agree on another appropriation. Giving this sort of discretion to the Treasurer is inappropriate. The estimated value of \$290 million for 2018-19 is more than five times the size of the Treasurer's advance, so we are not talking about an insignificant amount of taxpayers' money. There should be a legislated explicit requirement for the reasons to be provided as to why these amounts are required.

The Labor-Greens government need to control their spending and management of taxpayers' money far better than they are currently doing. Giving them more discretion is not going to help that cause. Canberrans already pay too much in taxes, rates, fees, fines and charges. We do not support the reckless expenditure that this government could get away with by having this sort of discretion. The Assembly has a duty to ensure that taxpayers' money is spent appropriately. At a time when there is a review taking place into the Latimer House principles, it is absolutely wrong that this Assembly is going to now bypass this place and give additional resources and additional decision-making to the government.

It concerns me greatly that this bill is being rushed through by the government and that the proposed commencement is the day after notification day. This indicates that perhaps the budget position has deteriorated since the budget review. Are we actually going to see this particular pool of money implemented for this current financial year? At the very least, this should start on 1 July. It is a significant change, and very little time has been given to allow a full consideration of its effects and implications.

To comply with the new rules, under standing orders we would have to have submitted our amendments within hours of the bill having been presented. This is absolutely impossible. We would have needed to have the bill before it was introduced for us to determine our position, consult with people, work out what possible reforms were required, go to the PCO, give instructions, allow them to draft

something, receive it back, have further back and forth discussion, and then agree on a position. At that point we would be able to distribute the amendments. To have done that in a matter of hours following the presentation would have been impossible.

The Canberra Liberals believe that financial prudence and best practice are required in the ACT. That is why, whilst we oppose what the government is putting forward, we have some amendments that we think will at least make it marginally better. We hope that leave will be granted for us to consider those amendments and that they will be supported.

I wish to reiterate once more that the Canberra Liberals have real concerns with this financial discretion that the Assembly will be giving the Treasurer. The legislation, as it stands, gives wide discretion to the government, to the Chief Minister and Treasurer, to spend from future years' budgets without clear reasons. The government has provided insufficient evidence and insufficient time for us to be convinced otherwise. I hope the Assembly will support my amendments, which will at least try to make this bad legislation marginally better.

MS LE COUTEUR (Murrumbidgee) (11.37): The Greens will be supporting this bill and will not be supporting Mr Coe's amendments, for reasons I will outline later. However, I will say that I support Mr Coe's comments about the impossibility of meeting the scrutiny requirements, given the timing. This is something that we need to seriously look at. Obviously, we have no problems with the amendments being moved, despite the lack of scrutiny. The procedure was clearly impossible.

Going to the bill, the Greens' general view is that we support legislation that helps the public service to do their work more efficiently as long as it does not impact on our key values, such as social justice, environmental sustainability and, most particularly in terms of this legislation, government transparency. We are satisfied that the bill does not have a negative impact of that type.

I will be voting against the amendments for the following reasons. I will go through Mr Coe's comments. The first amendment is to delay commencement to 1 July 2019. I can see Mr Coe's logic for commencement at the beginning of the 2019-20 financial year, and in an ideal world that undoubtedly would have been the case. Unfortunately, or fortunately, the budget is released in May, and the new capital reserve needs to be in that document. So I see the rationale for the timing.

Amendment 2 aims to insert additional reporting to the Assembly on the traditional Treasurer's advances. We all know that there is already substantial reporting of the details of Treasurer's advances. We have all sat here and listened to it. I do not think that Mr Coe's amendment is going to add any useful information to the existing reporting on Treasury advances.

Amendment 3 aims to expand reporting to the Assembly on the new capital works advances by adding the reporting of reductions to advances as well as the advances themselves. It is my belief, my understanding, that this is already covered by the bill. Amendment 4 aims to expand the details included in reporting to the Assembly on the new capital works advances. Again, it is my belief and understanding that this is

already covered by the bill. The bill uses the same wording for the new advance as the existing legislation does for the Treasurer's advances.

As I have already said, I believe that the existing reporting for the Treasurer's advances covers all that is needed in that reporting. Thus I will be supporting the bill but not the amendments.

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) (11.40), in reply: I thank members for their comments in relation to the legislation. The government have a new \$3 billion pipeline of capital works underway, and we are committed to delivering this in the most efficient and effective way possible.

As our city grows, we understand that it is very important for the government to step up our investment in new hospitals, schools, transport and community infrastructure in order to keep delivering high quality services for Canberrans. That is what we have been doing over successive budgets for a number of years now, and that is what we will continue to do into the future.

This bill facilitates an effective and efficient program of infrastructure delivery by amending the Financial Management Act 1996 to establish a capital delivery reserve. The reserve provides a mechanism for improving the accuracy of budget estimates and the performance of the territory's capital works program. It will allow agencies to access their capital funding allocation from future years if they can get projects built faster, by requesting a capital works advance from the reserve. This will reduce the need for agencies to build a delivery contingency into their year-by-year project estimates. It will improve the accuracy of forecast costs and our overall allocation of the infrastructure budget.

An annual appropriation will be made to the reserve, set at a maximum of 20 per cent of the total amount appropriated for the capital works program for the financial year. This will be available for agencies to draw down on as needed, with any amount that is undisbursed lapsing at the end of the year. In requesting a capital works advance in the current budget year, an agency will be required to make an offsetting reduction from its budgeted forward estimates to ensure that projects remain within their budgets over time.

This amendment bill also includes mechanisms that provide very strong accountability to this place, requiring the reporting of all capital works advances from the reserve to the Assembly via the quarterly financial statements required under section 26 of the Financial Management Act. This accountability provision is in addition to the requirement under section 30F of the Financial Management Act for the Treasurer to provide the Legislative Assembly with a report on the capital works program at least every six months.

The bill will significantly improve the budgeting practices associated with ongoing management of the government's capital works program, while providing agencies with the cash flow flexibility to get on with building the significant new infrastructure

that Canberra will need in the coming decade. For these reasons, and in spite of the conspiracy theories of the opposition leader, I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 13		Noes 10	
Mr Barr	Ms Orr	Miss C Burch	Ms Lee
Ms J Burch	Mr Pettersson	Mr Coe	Mr Milligan
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mr Hanson	
Ms Fitzharris	Mr Steel	Mrs Jones	
Mr Gentleman	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	

Question resolved in the affirmative.

Detail stage

Clause 1 agreed to.

Clause 2.

MR COE (Yerrabi—Leader of the Opposition) (11.48): Pursuant to standing order 182A(a) and (b), I seek leave to move amendments to this bill that are urgent and minor and technical in nature.

Leave granted.

MR COE: I move amendment No 1 circulated in my name [*see schedule 1 at page 1218*]. This amendment changes the commencement date to 1 July, the start of the new financial year. The government introduced this legislation two weeks ago, which, as I have already said, made it very difficult to bring forward amendments to comply with the standing orders, so I am grateful that leave was granted. However, it is still not best practice to have such a short amount of time for the Financial Management Act to be amended.

If the new reserve is to be established, it is prudent that it start on 1 July, the date of the new financial year. Otherwise the government is potentially able to use it this financial year, which I do not think is appropriate. Ms Le Couteur said she could not support 1 July because it needs to be in the budget. Well, the budget starts on 1 July and we can pass this legislation today with a commencement date of 1 July. Her argument that this needs to be in place right away is wrong. We can put this in place for 1 July, and therefore it is not retrospective to take into account the appropriation made last year.

If the new reserve is to be established, it is prudent that it start at the same time as the next budget and not the previous budget. The opposition has not received a satisfactory reason as to why it is needed urgently. If the Chief Minister is going to respond to this amendment, I ask him to confirm or to clarify whether the government intends to use this mechanism before 30 June.

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): The reason for not supporting Mr Coe’s amendment is that it would create uncertainty, as the 2019-20 appropriation bills—which will, if this legislation is passed, include the capital works reserve—will be introduced to the Assembly prior to 1 July, prior to the date proposed by Mr Coe. So to remove any uncertainty over the legality of having the capital works reserve in the appropriation bills that will be introduced on the first Tuesday in June—prior to 1 July—commencement a day after its notification is appropriate.

In relation to use of the reserve in this current financial year, I do not believe there will be a requirement to do so, but I will take advice from agencies. If any projects are currently ahead of schedule and wish to access it, that would be open to the government, but we would report it in accordance with the reporting requirements. I do not believe that is the case; its intent is to be in the budget, the appropriation bills that will be introduced on the first Tuesday in June. For those reasons, we will not support the delay in the commencement that Mr Coe proposes.

MR COE (Yerrabi—Leader of the Opposition) (11.51): There would not be any uncertainty if we passed legislation today that has a start date of 1 July. That is complete certainty. It would be in black and white, in legislation, that it starts on 1 July. The only reason you would need it now is if you intended to use it before 30 June. There is no reason why you cannot put this in place and incorporate it into the budget. This happens frequently. This happened with the Integrity Commission. It starts on 1 July, but you can still make an appropriation for it in this year’s budget. There is no reason why we need it before 1 July unless the Treasurer wants to use it before that date.

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) (11.52): The obvious point is that new budget bills are needed to put an appropriation into the capital reserve before any agencies can use it. There are no funds in the reserve at the moment because it does not exist. It will need an appropriation bill to put funding into the reserve. That ought to address the concerns of the opposition leader. The government will not support his amendment.

Amendment negatived.

Clause 2 agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Proposed new clause 5A.

MR COE (Yerrabi—Leader of the Opposition) (11.54): I move amendment No 2 circulated in my name, which inserts a new clause 5A [*see schedule 1 at page 1218*]. This amendment seeks to insert a new requirement for reasons to be provided as to why the Treasurer's advance is being used. I know the government's position is that this is duplicating reporting and that this information is already contained in the authorisation. However, what is included in the authorisation has not been legislatively set and has not been stated.

There is not a clearly defined legislative requirement for reasons to be provided, as there is in other parts of the Financial Management Act. That is why we believe these amendments remain necessary and relevant. The explanation can take whatever form the government wishes. However, we believe the reasons should be explicitly stated and included in the legislation.

The bill is quite clearly based on the current provisions for the Treasurer's advance contained within the Financial Management Act. Furthermore, the bill makes minor changes to the structure of the legislation around the Treasurer's advance. It makes sense that the use of these powers is consistent and that an explanation should be provided where these discretionary funds are used. It is an entirely reasonable amendment to add transparency to this discretionary process.

A case would already have to be prepared for the Treasurer to be satisfied that an additional appropriation and additional funds were necessary and to determine the amount. Therefore, this due diligence should be very easy to comply with. If a Treasurer were in receipt of this information, all he or she would need to do would be to simply pass it on to the Assembly.

We will later be moving similar amendments to the capital works reserve that would require reasons for the appropriation and return disbursements. It makes logical sense that there be consistency between these two powers, given that they are very similar. We should not have different levels of scrutiny applied to the exercise of these discretionary powers.

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) (11.56): The government will not support this amendment, as the proposed amendments specified by the opposition leader are already provided for in the current legislation. Instruments authorising a Treasurer's advance are to be tabled as part of the quarterly financial reporting requirements under section 18C(2)(a) of the legislation. Under this section, a copy of the Treasurer's authorisation, which includes the statement of reasons, is to be provided to the Assembly through the next financial statement, which of course is provided to the Assembly quarterly. These provisions are already contained within the legislation.

Amendment negatived.

Proposed new clause 5A negatived.

Clause 6.

MR COE (Yerrabi—Leader of the Opposition) (11.57): I move amendment No 4 circulated in my name [*see schedule 1 at page 1218*]. This amendment inserts proposed new section 18G(2)(aa) and (ab). As previously foreshadowed, this amendment requires the Treasurer to provide reasons as to why the capital works advance is required and why the amount required was not provided for in the appropriation of the previous financial year. It also mandates the reporting of an explanation of why a capital works appropriation was not fully disbursed and why the undisbursed amount is no longer required by the entity.

As I stated earlier, the case must be prepared for the Treasurer to be satisfied that the expenditure or return of these funds is necessary. Releasing or publishing that due diligence does not impose a burden on the public service, given that the documentation should have already been prepared. The opposition have previously stated our doubts about the need for this provision.

We do not support the introduction of broad discretionary powers, and we hope these amendments will at least make some more information public. Whilst it is highly unlikely, I encourage members of the government to support this amendment if they are genuinely committed to additional transparency at the time of these appropriations, rather than potentially getting something months in arrears.

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) (11.59): The government will not support these amendments, as they duplicate existing requirements under the FMA. The proposed amendment from Mr Coe to section 18G, with reference to section 18F, duplicates section 18G(b)(iii) of the amendments which already require the Treasurer to report any subsequent reduction for unused capital works advance to the Assembly as part of the reconciliation requirements.

The proposed new sections for 18G are not needed, as they duplicate section 18G(2)(a), which requires the Treasurer to provide a copy of the authorisation for the use of the capital works reserve to the Assembly. This authorisation includes a statement of reasons for the payment. This information is presented to the Assembly with the quarterly financial statements required under section 18C(2) under the current Financial Management Act and section 18G(2) under the amendment bill. They are already exhaustively covered within the existing legislation. These are superfluous amendments that should not be supported.

Amendment negatived.

Clause 6 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

Sitting suspended from 12.01 to 2.00 pm.

Questions without notice

Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm

MR COE: I have a question for the Minister for Health and Wellbeing. The question is: why has the ACT government disbanded the board for the Ngunnawal Bush Healing Farm?

MS FITZHARRIS: I thank Mr Coe for the question. The government has not disbanded the board. There is an advisory group. I understand that the advisory group is currently determining when it should next meet but, prior to that, there will be quite an extensive working group meeting with some key stakeholders involved in the Ngunnawal Bush Healing Farm which will take place and which I will attend in just a few weeks time.

MR COE: Minister, when will the Ngunnawal Bush Healing Farm hold its next training course and will the bush healing farm be holding any training courses in 2019?

MS FITZHARRIS: There is currently a course underway. It commenced yesterday. It has 11 clients. This course will run from 1 April for 3 months until June.

MR MILLIGAN: Minister, when will you make the Indigenous bush healing farm do what it was originally intended to do?

MS FITZHARRIS: As I indicated in my first answer, there is a very important group to meet in just a few weeks to discuss a variety of issues about making sure that the Ngunnawal Healing Bush Farm can deliver for Aboriginal and Torres Strait Islander people in our community. There is a very clear shared vision that we want the Ngunnawal Bush Healing Farm to be the best that it can be.

That working group will bring together a number of key stakeholders across the ACT in discussing this very matter, including the important healing framework, which will also serve to underpin operations not only at the farm but also in respect of other approaches to Aboriginal health.

Building—aluminium cladding

MS LE COUTEUR: My question is to the Minister for Building Quality Improvement and relates to the government's review of buildings with flammable aluminium cladding. Minister, can you let us know where the review is up to, when it will be completed and whether we have any idea at this stage how many buildings have been affected?

MR RAMSAY: I thank Ms Le Couteur for the question. It is an important area. The ACT government formed the interagency building cladding review group. That process was, as Ms Le Couteur is aware, to determine whether combustible cladding materials have been used in any territory buildings in a way that does not comply with ACT building standards or that poses an unacceptable risk to building occupants. It is

important to recognise that all of the buildings that have been identified and any buildings owned or operated by the government will be looked at. It is important to note that all of the buildings were subject to an initial review and none of those buildings has been deemed to pose an immediate risk to the occupants.

Not only is the review work going on but also work is happening with the Building Ministers Forum at the moment. I am continuing the work that has been led previously by Minister Gentleman—

Mr Wall: I raise a point of order, Madam Speaker, on relevance. Ms Le Couteur's question asked not just specifically about government buildings but also about private buildings. I ask that the minister be directly relevant in his answer.

MADAM SPEAKER: You have time left, minister. Do you have more to add?

MR RAMSAY: Indeed. The work that we are doing in relation to the Building Ministers Forum is in relation to the broader work as well. I am pleased to note that that work is ongoing with the other jurisdictions. We are in regular contact with other jurisdictions as part of that. No enforcement action has been required to be taken by Access Canberra in relation to any ACT buildings and I am pleased to note that the Building Ministers Forum agreed in principle to a national ban on the unsafe use of ACPs in new construction. The work of the review team is ongoing to make sure that it is done effectively, efficiently and comprehensively.

MS LE COUTEUR: Minister, are you aware of apartment complexes with flammable aluminium cladding that are having difficulty in arranging mandatory insurance? If so, is there anything that the government can do to assist these building owners?

MR RAMSAY: As I say, no enforcement action has been required by Access Canberra. In terms of any of the reviews that are taking place, it is important to note again, as has been previously stated in this chamber by Mr Gentleman, in his role—

Mrs Dunne: A point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat, minister.

Mrs Dunne: The standing orders require the minister to be directly relevant to the question. Ms Le Couteur's question was about insurance cover—

MADAM SPEAKER: Insurance and support for insurance.

Mrs Dunne: The minister immediately went to compliance action, which is not directly relevant to the question. I would ask you to call him to order.

MADAM SPEAKER: The minister has one minute and 20-plus seconds left. Maybe you can satisfy Ms Le Couteur, minister.

MR RAMSAY: Indeed; I always hope to be able to satisfy Ms Le Couteur in responding to her questions. I am aware that there have been some conversations between insurers and owners, or owner organisations of individual sites. That is primarily a matter for those insurers and those building owners. Here in the ACT, as has been mentioned previously in this place by Minister Gentleman, and by me as well, the use of the cladding is not unsafe. What we are focusing on is the unsafe use of the cladding. We will continue to work on that. I affirm the ongoing work of the Building Ministers Forum in that area as well.

MR WALL: Minister, has Access Canberra identified any residential buildings containing ACPs or aluminium composite panels that are at risk of fire?

MR RAMSAY: Noting that it is not necessarily the role of Access Canberra to be working in the area of identification in relation to fire safety overseen by the ESA, Access Canberra, as I say, has not identified any requirement for enforcement action within its purview, which is my ministerial portfolio responsibility, for the unsafe use of those cladding materials.

Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm

MR MILLIGAN: My question is to the Minister for Health and Wellbeing. In 2007-08, the Assembly passed the second 2007-08 appropriation bill, which provided for a “culturally appropriate residential drug and alcohol rehabilitation facility in the ACT, servicing the adult Indigenous population”. This facility was to be called the Indigenous bush healing farm, which we now all know as the Ngunnawal Bush Healing Farm. Why is there no culturally appropriate residential drug and alcohol rehabilitation facility in the ACT servicing the adult Indigenous population over 10 years later, despite the expenditure of \$12 million?

MS FITZHARRIS: In response to Mr Milligan’s question, obviously I cannot expressly comment on something that occurred over a decade ago, but I do note that there has been a significant discussion about the role of the Ngunnawal Bush Healing Farm today. The role of the Ngunnawal Bush Healing Farm is very clear in connecting people to country to be able to ensure that they can break the cycle of addiction. I also note that there have been multiple discussions. I am aware that Mr Milligan was briefed by the organisation undertaking a review of the Ngunnawal Bush Healing Farm and I believe that in that briefing he was advised that there would be a meeting in the very near future, which I referred to in my previous answer.

In relation to a residential treatment centre, members will know that when we released the drug strategy action plan late last year we certainly had that as a key action item in that drug strategy action plan.

And, Madam Speaker, if I could just correct an answer related to this that I gave previously, I indicated that there were 11 clients in the current program. If I could correct that, there are currently eight clients who were deemed suitable and about 11 clients who were originally screened for the April program.

MR MILLIGAN: Minister, what actions will you take to ensure that the ACT will have a culturally appropriate residential drug and alcohol facility for Canberra's Indigenous population?

MS FITZHARRIS: I have already indicated in my previous answer that we have as, a key action from the drug strategy action plan late last year, a residential rehabilitation program. In addition, Ngunnawal Bush Healing Farm will have programs that are residential. I believe that Mr Milligan has been briefed on this a number of times. There are very clear views, and in some cases quite divergent views, in the community about which services should be provided at which location. Ngunnawal Bush Healing Farm is currently not residential but it is absolutely the government's intention to have residential programs at the Ngunnawal Bush Healing Farm.

It is unlikely to be a residential rehabilitation program, which is a key action item out of the drug strategy action plan. I had understood that Mr Milligan understood the difference between these two roles. I repeat that our absolute intention is for the Ngunnawal Bush Healing Farm to have residential programs and we have a clear action item out of the drug strategy action plan for a residential rehabilitation program.

There are differences. One of the differences may be about the location. Indeed, many members have raised whether or not it would be appropriate for a clinically-based rehabilitation program to be located in a remote setting—

Opposition members interjecting—

MADAM SPEAKER: Members, please!

MS FITZHARRIS: which goes to the point about people's interpretations of exactly what services will be provided at which location.

MRS DUNNE: Minister, what is the current governance structure for the Ngunnawal Bush Healing Farm? Has Aboriginal participation in the governance structure been wound back or diminished in any way under your supervision of the farm?

MS FITZHARRIS: No, it has not, and I have been absolutely clear—

Mrs Dunne: What is the current governance structure?

MS FITZHARRIS: I would refer members to my previous answer, which was that there will be an advisory group meeting. I would note that this is something I believe the opposition has been briefed on. The organisation conducting the review met with the United Ngunnawal Elders Council two weeks ago, and made it very clear—

Mrs Dunne: A point of order.

MADAM SPEAKER: Resume your seat, minister.

Mrs Dunne: The original question was: what is the current governance structure? The minister needs to be directly relevant and answer the question.

Mr Gentleman: On the point of order.

MADAM SPEAKER: Mr Gentleman.

Mr Gentleman: Madam Speaker, if I may, the opposition, during question time over a number of past sittings, has stood to call points of order, only to restate their original question. Under standing order 117, questions are to be brief, and the minister should be allowed the time to answer those questions.

Opposition members interjecting—

MADAM SPEAKER: Mrs Jones and Miss Burch, please. The question was around governance structures. Contained in the answer was a reference to an advisory group. I am sure that the minister, in the 40-odd seconds left, can clarify if that is the governance structure.

MS FITZHARRIS: As I indicated in answer to Mr Coe's question, there is an advisory body. It has not met for some time. It will meet shortly. The workshop that is to be undertaken later this month will determine future governance structures. I have made absolutely clear my expectation, and the government's expectation, that Aboriginal representation is to be continued on the advisory body.

Light rail—commencement of service

MR PETTERSSON: My question is to the Minister for Transport. Minister, how is the government preparing for the commencement of light rail services in Canberra this month?

MS FITZHARRIS: I thank Mr Pettersson for the question. Indeed I was very pleased recently to announce that planning is underway for services for light rail from Gungahlin to the city to begin operations at Easter, with the community launch planned for Saturday, 20 April.

Canberra Metro has advised the ACT government that it expects light rail to be operational by this date. However, precise timing is still dependent on Canberra Metro meeting all third-party rail accreditation requirements including from the Office of the National Rail Safety Regulator, the utilities technical regulator and the independent certifier. For light rail to become operational it must satisfy a number of additional certification and regulatory processes including various safety sign-offs. Ultimately our number one priorities are the safety and quality of the system. So we will need to be flexible if there are issues that change the start date, and we are working on any contingency.

Canberra Metro have advised that they expect to be operational by Easter. That is why we are planning for the first day of operations on 20 April. In preparation for the start

of services, Transport Canberra, Canberra Metro, ACT Policing and the ACT Emergency Services Agency have been sharing rail-ready safety and preparedness around light rail messages right across the community and through a range of mediums to ensure community awareness. We are also planning for celebratory events when services commence.

MR PETTERSSON: Minister, what celebratory and launch activities are planned to mark the occasion?

MS FITZHARRIS: The first stage of Canberra's light rail network is a significant milestone for our city, and plans are in place to celebrate this achievement. Canberrans have seen the progress of light rail for many years now, from planning to now seeing light rail vehicles running up and down the route as they complete their final tests. I know that many people are eagerly waiting to get on board.

Large numbers of people are expected to want to try light rail when it starts on 20 April. We are preparing for events in Civic and Gungahlin that will entertain and give people a safe area to wait to board light rail before they can go for their first ride. I am pleased to remind members that there will be no charge to use light rail on the opening weekend, and the Canberra community are all invited. There is also an opportunity for some members of the community to be the first to ride light rail, through the community preview loop on 18 April. There will be 150 double passes for this event, and there is still time to enter the ballot, until tomorrow, at transport.act.gov.au.

MS CODY: Minister, what opportunities are there for the community to be involved in the celebrations?

MS FITZHARRIS: There are lots of ways the community can be involved in this celebration. I really look forward to many members of the community coming along to join us on the first light rail ride on 20 April. At the events the community will find opportunities to get involved in kids activities, enjoy some entertainment and, importantly, support local businesses. Canberrans will be encouraged to leave their car at home or to take advantage of free buses that will run across the network to get people to and from the city and Gungahlin interchanges. Of course the community can also enter the ballot that I mentioned in my previous answer. Many thousands of Canberrans have already registered their interest. We are very much looking forward to welcoming them on light rail, whether that is on the 18th, the 20th or beyond.

Canberra Health Services—consent for procedures

MRS DUNNE: My question is to the Minister for Health and Wellbeing. On 21 March this year, you took a question about whether a vaginal examination had been performed without consent on a woman at the Centenary Hospital for Women and Children. In your answer, you stated that Canberra Health Services had advised that this incident did not occur. On 30 March 2019, you were sent an email from an anonymous source with a copy of a complaint made by a woman on 7 February about having a senior doctor perform a vaginal examination without her consent. Minister,

now that you have had an opportunity to read this email, will you correct the record? If not, why not?

MS FITZHARRIS: Yes, I will. I intended to do so at the end of question time but, given that the opportunity has arisen, I will answer Mrs Dunne's question and correct the record. It was the case that I had said that no complaints had been received regarding this feedback. What would have been more accurate at the time would have been to say that initial advice to me was that there had been no consumer complaints but that I had requested CHS to undertake a review.

In addition, I would also like to update the Assembly that CHS also advised me on 13 March that on the evening of 12 March they held a meeting with all maternity staff in relation to a range of issues that had been expressed in media reporting. At that meeting the CEO restated the clear guidelines for obtaining patient consent before conducting an examination. The CEO reminded staff of their professional obligations, including duty of care, to report any concern about the way vaginal examinations are conducted with appropriate consent from patients within the organisation.

The CEO also reminded staff that there are many avenues through which to raise a concern and they should feel safe to use any of those avenues if they have a concern that needs to be followed up. CHS also took the opportunity to urgently remind staff, via an email, of the policies and processes regarding consent for any procedures.

I have asked CHS to review all complaints relating to examinations without consent. As Mrs Dunne indicated, I received an email on Saturday—an anonymous email—relating to a patient complaint to CHS. I understand that Mrs Dunne has also seen that email. She will be aware that it is very difficult to follow up on the content of that email. But I am very assured that CHS has taken appropriate action regarding this very serious matter.

MRS DUNNE: Minister, when did you first find out that the information you gave the Assembly on 21 March—that no such incident occurred—was wrong?

MS FITZHARRIS: I will review my statement of 21 March, but it was when I received the email, upon coming in to the office yesterday.

MR COE: Minister, when did you find out that a meeting took place on 12 March about this incident?

MS FITZHARRIS: I will be clear: I was advised on 13 March that there had been a meeting of maternity staff on 12 March to discuss a range of issues that were raised in media reports and in one submission to the current inquiry into maternity services, an inquiry which, I note, has received a number of submissions but which has not yet had the opportunity to have public hearings. There was cause for concern, which I know that members are aware of, based on a statement from CHS and further commentary from the Health Care Consumers Association on the particular way in which a number of issues were raised in media reporting on the Canberra Day public holiday and subsequent to that.

Canberra Health Services—unauthorised examinations

MRS JONES: My question is also to the Minister for Health and Wellbeing. Minister, on 13 March this year, Canberra Health Services issued a media release in response to claims of medical procedures being performed without the patients' consent. Canberra Health Services said:

The allegations are misleading and unfair and likely to lead to unnecessary concerns in the community about public maternity services in the territory.

Canberra Health Services also criticised the *Canberra Times* for running the story.

You have since received an email that includes the original complaint. Minister, when did you apologise to the midwife who made the submission, who you effectively called a liar, and the *Canberra Times* journalist who reported the story?

MS FITZHARRIS: Mrs Jones refers to a statement from CHS where CHS indicated that the media headlines do not reflect the unsubstantiated nature of the allegations. We take all feedback seriously. The feedback was received by an inquiry of this Assembly. I respect the work that the committees in this Assembly undertake. CHS did make a statement, which they provided publicly on 13 March—

Mrs Jones: Madam Speaker, I raise a point of order on relevance. The question was: did you apologise to either the midwife or the *Canberra Times* journalist? That is the question. There has not been a single part of the answer about that question. Please could you direct the minister to be relevant to the question.

MADAM SPEAKER: Thank you, Mrs Jones. The subtext of the question was about a media release being misleading and unfair, and comments around criticising the *Canberra Times*. The minister has been responding to the media release and the commentary. You can ask the question about apologising. She is now running out of time. I cannot direct the minister how to answer. I believe she was being relevant to the substance of the question.

MS FITZHARRIS: I believe that Mrs Jones has accused me of lying, which—

Opposition members interjecting—

MS FITZHARRIS: The feedback that I received in my office, as those opposite are aware, is unsubstantiated. (*Time expired.*)

Mrs Jones: You're still saying it's unsubstantiated.

MADAM SPEAKER: Is there a supplementary, Mrs Jones?

MRS JONES: Yes, there is; wonderful. Minister, did your office approve the media release being issued or otherwise have any discussions or visual with Canberra Health Services about its content?

MS FITZHARRIS: I was made aware that Canberra Health Services felt very strongly about this matter. These issues were discussed with me on 13 March, they advised that this was the course of action that they would like to take, and I was made aware.

MRS DUNNE: Minister, did you get notice before the release was going out and did you in any way approve the contents of the release?

MS FITZHARRIS: I was certainly made aware that this was a statement that they wished to make and they were very clear to me that they wished to make it. They did provide me with a copy.

Canberra Health Services—examination procedures

MR WALL: My question, too, is to the Minister for Health and Wellbeing. Minister, I refer to an email that a consultant midwife sent in February 2019 to midwives in Canberra Health Services. In the email the consultant stated that “a chaperone should be present for all exams”. She went on to comment that she hoped “this serves as a reminder and support to ensure all interactions are performed only after ensuring informed consent is given”. A copy of this email was sent to you on 30 March 2019. Minister, what prompted the consultant midwife to send an email of this nature to midwives?

MS FITZHARRIS: The email that was received reads:

Dear team

Please see below feedback. Whilst it is hard to know what are the circumstances here with no details, I share as a timely reminder that a chaperone should be present for all exams. As midwives, I know you advocate for women strongly, and hope this serves as a reminder and support to ensure all interactions are performed only after ensuring informed consent is given.

I am advised that the email, which both the opposition and I received, was based on the consumer feedback from an anonymous submitter on Thursday, 7 February. If I could be very clear, the advice to me from CHS is that this does not occur. It is most serious—

Mrs Dunne: Of course it is. It’s assault.

MS FITZHARRIS: If the opposition would like to accuse members of the ACT Health Directorate or Canberra Health Services outside this place of committing assault, I welcome them to do that.

Opposition members interjecting—

MS FITZHARRIS: Mrs Dunne has just accused members of Canberra Health Services of committing assault. I welcome her to make those assertions outside the chamber.

Mr Wall: A point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat please, minister.

Mr Wall: Standing order 118(a) states that an answer to a question “shall be concise and directly relevant to the subject matter of the question”. I ask that you draw the minister to—

MADAM SPEAKER: I believe she is. Minister, you have the call. You have the floor, minister. No more? Mr Wall, a supplementary.

MR WALL: Minister, who in Canberra Health Services was aware of the original complaint?

MS FITZHARRIS: I will take that question on notice but, in addition to my previous answer, my understanding is that when this anonymous complaint was received in February it was provided from a consumer feedback area of Canberra Health Services to members of the maternity unit. As a result of feedback, as the email clearly states, it was a reminder, because there was no other information: no name, no date, no time, no information about when it occurred or who might have been involved. It was a very difficult complaint to follow up on in any way.

In the absence of any information that could be followed up, members of the division of women, youth and children took it upon themselves proactively to be very clear about the correct procedures. This is something they take very seriously.

MRS DUNNE: Minister, what actions have you taken since you received the email that was sent to you on 30 March to ensure that patients’ rights are being properly regarded and fully implemented in the women’s and children’s hospital?

MS FITZHARRIS: I have spoken to the CEO of Canberra Health Services and my office has spoken to the CEO of Canberra Health Services. I will meet with the CEO of Canberra Health Services tomorrow. She takes this matter extremely seriously which is why, on 12 March, she called, at her initiation, a meeting of staff at Centenary hospital.

I have asked for an immediate review of any consumer feedback. I have received some initial advice and I look forward to discussing that further with Canberra Health Services tomorrow. If I have any further information at that time, I will update the Assembly.

Public housing—renewal program

MS CODY: My question is to the Minister for Housing and Suburban Development. Can the minister update the Assembly on the progress of the public housing renewal program?

MS BERRY: I thank Ms Cody for her question. The end of the current public housing renewal program is near. It is replacing 1,288 of our oldest public housing properties with new, accessible, energy efficient homes.

Last week I handed over the thousandth home that has been delivered under this program in a great new complex in Monash. The complex is a great example of where government and the local community have come together, with representatives from the local C3 church and Woden Community Service working with Housing ACT to support tenants and create a welcoming environment for tenants in their neighbourhood. It is always great to see these new homes and witness the beginnings of these new communities take shape.

The renewal program has delivered new public housing in more than 20 suburbs across Canberra, enabling public housing to be spread throughout the city and giving tenants a greater choice in where they live. The new properties better align with the needs of tenants, improving energy efficiency as well as helping reduce energy and living costs. Over the life of the program, over 1,400 people have moved into their new homes, with tenants receiving additional supports before and after their move.

Housing ACT will continue to work with tenants to identify new homes that best suit their needs and location and housing preferences. Some 1,032 properties have now been completed, with the remaining 256 homes on track to be delivered by the middle of the year.

MS CODY: Minister, how has the delivery of these new homes impacted the lives of public housing tenants?

MS BERRY: Throughout this entire program I have been constantly amazed at the changes that new homes are making to tenants' lives. This program is extending the benefits of modern homes to tenants who have lived in older houses that do not necessarily suit their needs. All the new dwellings are constructed to meet class C adaptable or liveable gold standards, thus increasing the amount of public housing that enables older tenants to age in place as well as being better suited for people who are living with a disability.

Each new home is built to a six-star energy rating, taking advantage of natural sunlight and ventilation, with energy-efficient appliances. These energy-efficient homes will be cheaper to run and easier to maintain and will reduce tenants' energy bills. Many tenants continue to share stories with me of moving into their new homes and it has overwhelmingly been a positive experience.

Many of them have taken advantage of their new surroundings by building new gardens and connections, visiting family and friends in a changing lifestyle that means that their homes and lives are easier to manage. The public housing renewal program has renewed around 11 per cent of public housing over the past five years. These new homes have improved the lives of many public housing tenants across the ACT.

MS ORR: Minister, what other investments is the government making in public housing?

MS BERRY: The ACT government is committed to continuing to improve, renew and grow public housing. While we are at the end of the current program, a new one is just around the corner. A new energy efficient program with public housing, part of the energy efficiency improvement scheme, is investing \$5.713 million to install 2,200 new appliances in homes over the next three years. These efficient units, predominantly reverse-cycle heaters, will lower the cost of living for tenants as well as reduce greenhouse gas emissions.

Last year I announced a \$100 million investment in growing and renewing public housing as part of the new housing strategy. This program will continue to work with the current renewal program but will also grow stock to provide more secure and affordable housing for people on the housing register.

In total the program will build 1,200 new homes with an extra 200 homes added to the public housing supply. This is a significant investment in the ACT's public housing. Over 10 years we will have renewed 20 per cent of our public housing and we will be one of the few jurisdictions to be increasing public housing.

The ACT government is committed to public housing. I look forward to seeing these investments have a real impact on the lives of so many Canberrans.

Canberra Health Services—unauthorised examinations

MRS KIKKERT: My question is to the Minister for Health and Wellbeing. I refer to comments attributed to your spokeswoman in the media on 2 April 2019 about vaginal examinations in Canberra Health Services being done without patients' consent. Your spokeswoman said:

As the Minister said when this issue was raised, it is a very serious matter and [Canberra Health Services] have subsequently held meetings with staff to discuss it ...

Minister, were staff in those meetings asked whether any patients had raised issues about procedures being performed without consent?

MS FITZHARRIS: I believe in some of the meetings yes, but I will take the specifics on notice.

MRS KIKKERT: Minister, have you directed Canberra Health Services to contact the patient at the centre of this incident?

MS FITZHARRIS: As members will know, it is impossible to identify that person, given that they made an anonymous submission.

MRS DUNNE: Minister, have you taken any steps to identify the anonymous complainant and to ensure that this patient has been offered support because of the ordeal she saw fit to complain about?

MS FITZHARRIS: As members opposite will know, there was a name attached to an email that was signed off “anonymous”. I also note that it is not clear that the complainant was a patient, but let me re-read the email.

It is certainly the case that I, the CEO, the relevant executive group manager of the division for women, youth and children, under which the Centenary hospital sits, have been very clear about the absolute unacceptability of this practice and have issued a number of reminders about the appropriate way that these issues should be raised.

The CEO has personally in a number of communications with staff, including in person and in an all-staff email at the time, offered multiple avenues for all staff to raise issues with her and/or appropriate external authorities if they wish to.

Canberra Health Services—consent for procedures

MR HANSON: My question is to the Minister for Health and Wellbeing. Minister, medical procedures performed without the consent of a patient or an authorised representative may constitute an assault. What responsibility do Canberra Health Services and workers have to refer allegations of unauthorised medical procedures to the police or other relevant authorities?

MS FITZHARRIS: I will take advice on answering that precisely. Certainly, in advice to me, it was made very clear, as I indicated in my first answer relating to this matter today, that all staff have—if they believe that a procedure or a practice without proper consent has taken place—an obligation and a duty of care to raise this matter, and there are multiple avenues through which they can do so.

MR HANSON: Minister, what actions will you take to ensure that all relevant allegations of unauthorised medical procedures are thoroughly investigated by an independent authority?

MS FITZHARRIS: I have taken a number of actions and, as I indicated, I will have further discussions with Canberra Health Services tomorrow.

MRS DUNNE: Minister, what action will you take, as the responsible minister, to ensure that proper procedures are put in place to ensure that Canberra Health Services and other health services respect the human rights of their patients?

MS FITZHARRIS: It is abundantly clear that both I and the leaders of all organisations in the ACT wish to ensure that all health services are delivered with respect for an individual’s human rights.

Aboriginals and Torres Strait Islanders—closing the gap

MS ORR: My question is to the Minister for Aboriginal and Torres Strait Islander Affairs. Minister, could you please update the Assembly on last week’s Joint Council on Closing the Gap?

MS STEPHEN-SMITH: I thank Ms Orr for her question and acknowledge her interest in closing the gap and achieving equitable outcomes for the ACT's Aboriginal and Torres Strait Islander community.

Last week I represented the ACT government at the inaugural Joint Council on Closing the Gap. The joint council was established under a partnership agreement which brings together commonwealth, state and territory governments, the Local Government Association and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations to fundamentally change how governments work with Aboriginal and Torres Strait Islander peoples in closing the gap. The Chief Minister was the first state or territory leader to sign the partnership agreement on Friday, 22 March.

The Coalition of Aboriginal and Torres Strait Peak Organisations, known as the coalition of peaks, has more than 40 members: a combination of national and state and territory-based, community-controlled or representative organisations. Under the agreement, for the first time, Aboriginal and Torres Strait Islander peoples and organisations, through the coalition of peaks, will be sitting alongside commonwealth, state and territory ministers co-designing the new closing the gap framework and ensuring that it is implemented effectively.

We know that Aboriginal and Torres Strait Islander people have the answers, and the ACT government has expressed concern throughout the closing the gap refresh process that their voices were not being adequately heard. We have welcomed the coalition of peaks' advocacy to turn that around and we are very pleased to have signed the partnership agreement.

I particularly want to acknowledge the leadership and tenacity of Pat Turner, the CEO of the National Aboriginal Community Controlled Health Organisation and now the convener of the coalition of peaks, in driving this groundbreaking partnership model.

MS ORR: Minister, why is this partnership important to the ACT?

MS STEPHEN-SMITH: I thank Ms Orr for her supplementary question. The joint council is a demonstration of self-determination in action. Here in the ACT we are also absolutely committed to self-determination.

The Aboriginal and Torres Strait Islander Elected Body is a powerful voice for self-determination in our community. It is great to see that this has been recognised nationally through the elected body's membership of the coalition of peaks. Katrina Fanning, chair of the elected body, has also been elected by her peers as one of the 12 representatives of the coalition of peaks on the joint council.

While the most recent closing the gap report showed that the ACT was the only jurisdiction on track to meet three of the seven targets, we know that there is much more to do to address the unacceptable gap in life outcomes between Aboriginal and Torres Strait Islander people and non-Indigenous Australians.

Because of our small numbers, the current closing the gap methodology makes it hard for the ACT to provide reportable data against some targets, such as child mortality. In addition, important factors contributing to life outcomes for Aboriginal and Torres Strait Islander people are not included in the current closing the gap framework. The ACT has consistently supported the inclusion of targets in new areas such as child protection, justice and housing. Work is now underway by officials and the coalition of peaks to develop refreshed closing the gap targets and to update the National Indigenous Reform Agreement.

I look forward to these targets being finalised and to the opportunity to work in a new way with the coalition of peaks to ensure that Aboriginal and Torres Strait Islander people have a genuine say in how the refreshed targets can be achieved at both national and local levels and have a continued seat at the table over the next 10 years as we implement the new National Indigenous Reform Agreement.

MS CHEYNE: Minister, what else is the ACT government doing to ensure that Aboriginal and Torres Strait Islander people and organisations are shaping and implementing policies and services that are important to them?

MS STEPHEN-SMITH: I thank Ms Cheyne for her supplementary. Under the ACT Aboriginal and Torres Strait Islander agreement 2019-28, which was driven by the Aboriginal and Torres Strait Islander Elected Body, the voice of our local Aboriginal and Torres Strait Islander community, the refreshed closing the gap targets will be part of the agreement reporting framework.

Where proposed new closing the gap refresh themes were known, such as lands and waters, these have already been included in the agreement's action plans. Once the Joint Council on Closing the Gap and COAG leaders agree on the final targets, these too will be incorporated into the agreement action plans and outcomes framework.

As I said when launching the agreement, it is time to move beyond consultation to co-design and co-production with the Aboriginal and Torres Strait Islander community. They are the experts in their own lives. This change in approach is already seen in the Our Booris, Our Way review, which is overseen by a wholly Aboriginal steering committee, and the government's commitment to restore Boomanulla Oval and transition its management to the Aboriginal and Torres Strait Islander community.

We have heard loud and clear that treaty is one of the most important issues to Ngunnawal people. This conversation started last year. As this is a first for all of us, it is important that we learn from experiences in other jurisdictions, such as Victoria, and for the United Ngunnawal Elders Council to determine what is important for them in starting the journey to treaty for the ACT.

A treaty process will be challenging for everyone, but we are up for that challenge. I look forward to these discussions continuing with the traditional custodians of this place.

Health Directorate—separation of functions

MISS C BURCH: My question is to the Minister for Health and Wellbeing. On 30 March 2019, the *Canberra Times* published an article co-authored by former Labor Chief Minister Jon Stanhope. The article refers to the decision to separate the policy and service delivery arms of ACT Health, noting that it mirrors a previous structure which the Labor government subsequently abandoned. The article observes:

It is difficult to see how a return to a failed structure of the past is the way to the future.

Minister, is the quality of the advice you are receiving from the two arms of health giving you more flexibility with continuing your strategy of plausible deniability, a strategy that is clearly not working?

MS FITZHARRIS: No.

MISS C BURCH: Minister, has the separation of ACT Health and Canberra Health Services meant that you were even less aware of what is happening in our public health system than you were before?

MS FITZHARRIS: No.

MRS DUNNE: Minister, if you are as aware as you say, how is it that we did not know, until someone sent an email at the weekend, of this claim of unauthorised vaginal examination?

MS FITZHARRIS: Because, as I indicated in my first response on this matter, in correcting the record from the previous sittings, a further review was underway. I will have received that review and I would have updated the Assembly.

National disability insurance scheme—mental health

MS LEE: My question is to the Minister for Disability. Minister, I refer to a study by the ANU published in *Australasian Psychiatry*, which found that one-third of ACT mental health provider organisations interviewed did not have guaranteed funding beyond the next 12 months and that nine of the 12 mental health services that commented on the impact of the NDIS expressed deep concern with problems with planning and other issues. Minister, why are two-thirds of ACT mental health NDIS providers having trouble with planning for the longer term and with retention of staff?

MS STEPHEN-SMITH: I thank Ms Lee for her question. As she knows, the issues that people with psychosocial disability have had navigating the NDIS have been a source of ongoing concern for the ACT government and ongoing advocacy from the ACT government to both the commonwealth government and the National Disability Insurance Agency. Indeed, the ACT Office for Disability has been leading work nationally on the interface between the NDIS and mainstream health and mental health services and the experience of people with psychosocial disability.

There are many reasons why organisations would potentially face uncertainty in relation to both their own business model and the experience of their clients and consumers around their interface with the NDIS, but the experience of people with psychosocial disabilities is certainly an issue of ongoing concern to the ACT government, as is the flow-on effect that has, particularly to community sector providers of mental health services in our community.

We were, of course, very pleased to see the recent announcement about increased pricing in some aspects, particularly around increased support in areas that involve people with complex needs. We have been advocating for increased pricing as well, recognising the flow-on effects to providers of some of the shortcomings that we have seen in the transitional arrangements for the national disability insurance scheme.

MS LEE: Minister, why do one-third of mental health service providers not have funding certainty beyond the next year?

MS STEPHEN-SMITH: To the extent that the issues that Ms Lee raises relate to funding certainty from the National Disability Insurance Agency, they are indeed the responsibility of the National Disability Insurance Agency, which is a commonwealth government agency. While I cannot speak to the individual matters relating to each of those individual organisations, I can say that we have been advocating very strongly over the past two years for improved outcomes and pathways for people with psychosocial disability in the NDIS. We have consistently raised concerns around the pathways for people with psychosocial disability in the NDIS, including the lack of specific awareness of NDIS staff and planners around the needs of people with psychosocial disability, around some of the plans that people were seeing that did not support a recovery framework, which is generally more appropriate in the mental health space.

We certainly share the concerns that Ms Lee is raising around the impact of these issues in psychosocial disability, on both participants in the scheme who have a psychosocial disability and the providers that support those people, whether in residential or in community services.

MRS JONES: Minister, do you know why many people in Canberra with mental health issues were being supported under the old model but are not now being supported under the new model?

MS STEPHEN-SMITH: One thing we do know, and I do not have the exact numbers in front of me, is that under the national disability insurance scheme there is a significantly higher number of people with psychosocial disability who are receiving support now than were receiving support prior to the rollout of the national disability insurance scheme. What we have seen, and what we have been advocating about, are two main issues: people with psychosocial disability who have significant complex needs who find it very difficult to engage in the system; and the support that they need to engage with the NDIS to receive the plans that they need to support their complex needs and then the support in the community.

One of the things we saw as we made the transition to the NDIS was funding transition to the NDIS for a range of community-based mental health and psychosocial disability support services and the difficulty that those services had transitioning their model to an individualised funding model.

We have seen some changes in some of the services available. We did, of course, welcome in March the commonwealth government announcement of a \$121.9 million investment in primary health networks to provide an additional 12 months of support for clients of commonwealth community mental health programs, including personal helpers and mentors and partners in recovery, and support for day-to-day living in the community. That is a recognition by the commonwealth that their agency, the National Disability Insurance Agency, has not adequately addressed the shortcomings that we have seen in the support that had been provided for people with psychosocial disability and the difficulty that both participants and providers have had in transitioning to the NDIS model.

As I said, the ACT government and the Office for Disability are leading the national work on the mental health interface. We take this issue very seriously.

Disability services—specialist accommodation

MS LAWDER: My question is to the Minister for Disability. Minister, how many people in the ACT qualify for specialist disability accommodation?

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

MS LAWDER: Minister, how many specialist disability accommodation places are there in the ACT as at today's date?

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

MS LEE: Minister, what are you doing as the responsible minister to ensure that the ACT has sufficient specialist disability accommodation to meet current and future demands?

MS STEPHEN-SMITH: This actually refers to a topic that is of great interest to me. Ms Lee may be aware that late last year the Office for Disability hosted the having a home forum. Specifically at my request they put together a full-day forum to ensure that families and people with disability in the ACT and providers and developers could come together with the National Disability Insurance Agency experts around supported disability accommodation, SDA, and talk about how SDA can support the greater provision of appropriate accommodation for people with disability in the ACT market. This is an area where the ACT has been slow to pick up the support for SDA and it is something that I have been concerned about for some time.

So I initiated that having a home forum which was extremely popular with people with disability and their families as well as potential providers of SDA accommodation in the ACT who were able to speak with people from other

jurisdictions who delivered accommodation using SDA. We had both videoconferencing and people there at the forum to talk to. At the end of the day we had a world cafe-style arrangement where people could move from table to table to talk about the particular issues that were of interest to them. The Office for Disability has followed that up by trying to stay in touch with the people who came to the forum.

There was indeed another forum on the issue of housing and people with disability that brought some expertise in from Melbourne earlier this year in the Legislative Assembly reception room which was, again, another step towards more innovative housing options for people with disability in the ACT—both supported by SDA and more broadly in the private market—because we know that there are significant issues there as well.

Government—Seniors Week

MS CHEYNE: My question is to the Minister for Seniors and Veterans. Can the minister please outline for the Assembly the highlights of the 2019 Seniors Week?

MR RAMSAY: I thank Ms Cheyne for her question and for struggling through with questionable health today. Seniors Week is a highlight on the calendar for older Canberrans, and there is so much to see and do. The Chief Minister's concert is obviously a signature event and it kicks off Seniors Week. The band of the Royal Military College, Duntroon is so popular that both concerts again sold out this year ahead of the event. I was disappointed that I was able to see only the beginning of one of the concerts as it was a sitting day and I had responsibilities here in the chamber.

The seniors expo was busier than ever this year, with many stallholders showcasing new ways for our older Canberrans to interact, new hobbies to take up, new groups to join and services that are available to them. Similarly, the Public Trustee and Guardian ran a series of incredibly informative workshops on helping people to ensure that their will and enduring power of attorney are up to date and working in their best interests.

The positive ageing awards were a particular highlight of Seniors Week for me. It is important to stop to take the time to acknowledge those Canberrans who make a real difference in the community. Congratulations go to Emma Zen, Marlene Keltie, George Ahmat, Barrie Smillie and the Seasoned Voices seniors choir on winning awards. I thank them for all that they do in making Canberra a better place for our older citizens.

These were just some of the events on offer during the busy but very high quality program throughout Seniors Week. I place on record my appreciation, and the appreciation of this government, to COTA ACT for organising an amazing week which I know was appreciated by all who attended.

MS CHEYNE: Can the minister outline the benefits of events like the seniors expo and the Chief Minister's concert?

MR RAMSAY: I thank Ms Cheyne for the supplementary question. These sorts of events are excellent opportunities for seniors to remain active and connected members of the community. The Chief Minister's concert is a great opportunity for our seniors to engage with the arts, to sing along and to listen to the very talented Band of the Royal Military College, Duntroon. Like other initiatives such as Music at Midday, which was again on in the Canberra Theatre today, the Chief Minister's concert is particularly popular with those in residential aged care facilities and provides an important opportunity to be out and about and connecting with hundreds of other seniors.

We know that the quality of life of all people in the community, including our seniors, is improved when the person is active and a connected member of the community. The concert is just one of the opportunities that we provide to do this. The seniors expo goes even further, presenting opportunities to meet with new groups and find new activities, to try to open up a whole world of possibilities to remain connected and active in later life. With over 120 exhibitors this year, there was truly something for everyone to try, to see or even to taste.

Madam Speaker, you will often hear me say that I believe that the city is at its best when everyone belongs, when everyone is valued and when everyone has the opportunity to participate. The Chief Minister's concert and the seniors expo provide opportunities for senior Canberrans to do precisely that.

MR PETTERSSON: Can the minister explain why it is important to take the time to recognise seniors during Seniors Week, including in the positive ageing awards?

MR RAMSAY: I thank Mr Pettersson for the supplementary question. While most of Seniors Week is dedicated to things for our senior Canberrans to see and do, the positive ageing awards are just as important. They give us the time to stop and celebrate the many people in the community who provide services for our seniors.

To those who share their knowledge or language and history, to those who set up intergenerational playgroups so that Canberrans young and old can play together and share experiences, to those who run choirs to create an inclusive space for those who are over 55, to those who create groups to support the social inclusion of women in their region, and to those who get seniors to events to allow them to remain socially connected, I pass on congratulations on winning the awards and thank them for their hard work. To the many who were nominated, we also thank them for everything they do to make Canberra a more age-friendly and inclusive city.

I also want to take a moment to thank those who may not have been nominated but who still work to make Canberra an open and inclusive city and a great place for older Canberrans to live. We have so many people who are working to make Canberra an age-friendly city. The positive ageing awards are just one of the ways that we can show appreciation to them. Congratulations again to Emma, Marlene, George, Barrie and to the Seasoned Voices Choir.

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

Supplementary answer to question without notice National disability insurance scheme—mental health

MS STEPHEN-SMITH: I am not sure if I was specifically asked this, but I can inform the Assembly that, as at the Disability Reform Council's quarterly report of 31 December 2018, 842 Canberrans identify their primary support needs within the NDIS as relating to psychosocial disability, and are benefiting from the NDIS, and this equates to 13 per cent of the total approved participants in the scheme in the ACT.

Centenary Hospital for Women and Children—unauthorised examinations

Statement by member

MRS DUNNE (Ginninderra) (3.02): I seek leave to make a brief statement in relation to an unauthorised vaginal examination which was discussed in question time.

Leave granted.

MRS DUNNE: Thank you, members; I thank you for leave. I want to place on the record the concern of the Canberra Liberals about this claim. This claim was brought to light initially in a submission to the health committee; it was reported by the *Canberra Times* accurately, with respect to the published submission; and it was subsequently brought to my attention, and that of the minister and other members of this place, over the weekend.

What I saw from the email trail that the minister received over the weekend was that there was a complaint. It is unclear who made that complaint, but it is certain that there was a complaint. It seems to me that what has happened as a result of this complaint is tantamount to bullying. If we give the person who made the complaint the benefit of the doubt, we should be working to support that person who made the complaint about an unauthorised vaginal examination. What we saw from the minister and from Health authorities was an attempt to belittle the complaint and to say that it did not happen.

It is clear that the complaint was made. We do not know who made that complaint and when the complained-about event took place, but I think it is incumbent upon the minister and the agency to try to get to the bottom of it and find out who the complainant is, and what can be done to assist that person. It is equally important to ensure that the person who conducted this examination without consent is informed of and understands that that is a serious problem, and that steps are taken to ensure that that person does not do it again, and that other people do not do it again.

The Canberra Liberals are very concerned about the wellbeing of the person who made this complaint. We are also very concerned about the wellbeing of, essentially, the whistleblower who brought this to the health committee's attention, to the health minister's attention and to my attention over the weekend. I will be watching this matter very closely on behalf of the Canberra Liberals, to ensure that no-one is bullied or intimidated as a result of making this disclosure.

Papers

Madam Speaker presented the following papers:

Standing order 191—Amendments to:

Royal Commission Criminal Justice Legislation Amendment Bill, dated 26 March 2019.

Mr Gentleman presented the following papers:

Road Transport (Third-Party Insurance) Act 2008—Section 275 Review, dated 20 March 2019.

Health, Ageing and Community Services—Standing Committee—Report 5—*Inquiry into the Future Sustainability of Health Funding in the ACT*—Government response, dated 2 April 2019.

Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019 (Queensland), together with an explanatory statement, dated 2 April 2019.

Planning and Development Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 345—Mawson Group Centre: Zone Changes and amendments to the Mawson precinct map and code, dated March 2019, including associated documents.

Coroners Act, pursuant to subsection 57(5)—Report of Coroner—Inquest into the death of Tania Klemke—

Report, dated 29 November 2018.

Government response, dated April 2019.

Road transport (Third-Party Insurance) Act 2008—section 275 review

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:

Road Transport (Third-Party Insurance) Act 2008—Section 275 Review.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.05): Section 275 of the Road Transport (Third-Party Insurance) Act, the CTP Act, requires the government to review the operation of the act every three years, and to present the report of the review to the Legislative Assembly. This is the third report into the operation of the compulsory third-party insurance—CTP—scheme.

In accordance with the act, the review was commenced on 1 January 2019. The report was circulated to all members out-of-session by the legislated 31 March 2019 deadline. Additionally, this has now been tabled, for the Assembly's reference. The overarching terms of reference for the review were to assess the operation of the act over the three years to 31 December 2018, and report on the extent to which a range of the scheme's objectives have been achieved.

The review of the CTP Act was undertaken by the independent CTP scheme actuary, who provides actuarial analysis and services to the CTP Regulator. The actuary was selected to undertake the review because of their understanding of the ACT's scheme design and extensive knowledge of schemes operating in other jurisdictions.

Members in this place would be aware that the release of this review comes as the government is in the process of reforming the ACT's motor accident insurance scheme, so it is timely to consider how the current arrangements are working, or not.

The review examined many elements of the current CTP scheme, including how long it takes for a claim to be finalised so that an injured person can receive all of their payments under the scheme. We have long been concerned that because our current scheme relies on demonstrating fault in order to access compensation, claims take an incredibly long time to resolve. While fault is being determined and claims are in dispute, Canberrans must cover their own treatment costs and be out of pocket for any lost income, often by very significant amounts of money. If they are not able to meet these costs privately, some people may simply go without necessary treatment and care, exacerbating their injuries and preventing a proper recovery.

The review absolutely confirms this by showing that, on average, small claims worth up to \$100,000 take 1½ years to finalise. Larger claims worth \$100,000 or more take an average of 3.7 years to finalise. We believe this is far too long to leave people in limbo about whether they are going to get the treatment and support they need to recover from an accident. Let me reiterate that: 3.7 years to finalise a large claim.

The review also provides an important breakdown of how the money that Canberrans pay into the scheme through their premiums is allocated across its different components. Members might find this hard to believe but, under the current scheme 22 per cent—so around one-fifth, only one-fifth—of the scheme's costs are dedicated to treatment and care for injured people. But 24 per cent—so more than the scheme's costs dedicated to treatment and care—go to legal and investigatory costs. So more money, more of every Canberra motorist's CTP premiums, go to legal costs than to treatment and care under the current scheme.

This does not show a system that is working in the best interests of injured Canberrans, when more of the scheme's costs are directed to legal and investigative activity than to providing treatment and care. This point is worth repeating: more of the current scheme's costs are directed to legal and investigative activity than to providing treatment and care. This is wrong and has to change.

We want to see the maximum amount of scheme costs possible be directed to treatment and care for injured people, not getting chewed up in disputes about liability. By moving to a no-fault model where everyone who gets injured in a motor vehicle accident is entitled to treatment, care and income replacement benefits, our new scheme will help bring these costs into a much better balance.

In relation to premium costs, the review found that while these have been reducing in recent years, thanks to the introduction of competition in the ACT market, Canberrans continue to pay amongst the highest costs in the country for personal injury coverage. Only South Australia has higher premium costs. The lowest CTP premium for a passenger vehicle in the ACT is now sitting at \$520 for a 12-month policy. I would note that this now makes up a larger cost than the total cost of registering a car in the ACT, with all government fees representing an average cost of \$464. Think about that for a moment.

The review also contains a range of additional data which is useful in the context of our proposed transition to a new motor accident injury scheme, and the types of support people will need and be entitled to. For example, the report highlights that a majority of CTP claims are for injuries classified as minor in severity. About 70 to 75 per cent of claims result in settlements of less than \$100,000. At the other end of the scale, only about four per cent of claims involve settlements of half a million dollars or more for severe and critical injuries.

Whiplash strains represent a little over 55 per cent of all claims, while brain injuries and spinal injuries combined represent less than one per cent of all claims. This data is important in highlighting that the majority of CTP claims relate to injuries that people can and will recover from if they receive the right treatment and care up front as soon as possible after their accident, not many years later under the current arrangements. The goal of our motor accident insurance scheme is geared towards not maximising a payout years down the track, but getting people well again so that they can get on with enjoying life the way they were prior to their accident.

For the first time this review includes an assessment of insurers' estimated achieved profit margin when compared to the expected profit margins included in their premium filings. As we have a privately underwritten scheme, it is reasonable that insurers make some profit, but it is also very important that these profits are reasonable and that they are in line with the community's expectations. After all, CTP insurance is a product that all drivers are required by law to hold, so it is not exactly a hard sell for the insurers.

The review shows that the profit trend has been decreasing in recent years. From 2016 to 2018 the estimated achieved profit margin in the ACT fell from 17 per cent to just under 10 per cent. This is significantly lower than the estimated profit margins in some other jurisdictions, such as Queensland.

We understand that there is a lot of interest in insurer profit margins, particularly as the ACT transitions to a new motor accident injury scheme. That is why the new legislation gives the power to determine what reasonable profits are and to take action

if actual profits are higher. The motor accident injuries commission will have significantly expanded data-gathering powers so that they can collect more information from insurers on their actual costs and profits, to keep a very close eye on this. This information will assist the commission in deciding whether to accept proposed premiums. We want a diversity of providers competing in the ACT market to provide accident insurance, but we simply will not accept them making super profits from this community when they do.

This review report on our existing CTP scheme clearly demonstrates why we believe accident insurance can be improved to deliver faster, fairer and more comprehensive support to Canberrans who get injured on our roads. Later this week we will start the debate on the Motor Accident Injuries Bill, which will deliver these reforms. The bill will mean that all injured people can get timely treatment and care for the speedy resolution of their injuries. It will provide income replacement up front rather than forcing injured people to wait years to receive a lump sum payment. It will provide this access to benefits for everyone who gets injured on our roads without injured people having to argue and prove that someone else was at fault.

I commend this report to the Assembly and look forward to commencing the debate on our bill to make motor accident insurance work better for all Canberrans.

Question resolved in the affirmative.

Planning and Development Act—variation No 345 to the Territory Plan—Mawson group centre

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) (3.16): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval—Variation to the Territory Plan No 345—Mawson Group Centre: Zone changes and amendments to the Mawson precinct map and code.

Variation 345 incorporates the planning recommendations of the Mawson group centre master plan to guide new development within the centre over the next 10 to 20 years. An initiative of the ACT government, the master plan and associated Territory Plan variation provide guidance for the future rejuvenation of the group centre. The changes also reflect the recommendations of the ACT planning strategy 2018 by facilitating higher density mixed-use developments in locations close to main public transport routes and within commercial centres.

The variation rezones land along Athllon Drive, as well as selected sites within the centre, and amends the Mawson precinct map and code to permit increases in building heights, provide guidance on the desired built form and improve the pedestrian experience within the centre. The zoning changes along Athllon Drive increase the

area of urban open space, protect the active travel route connecting Mawson and Woden, and identify areas suitable for higher density residential development and commercial uses. These changes are in accordance with the approved Mawson group centre master plan.

During the public consultation process, DV345 attracted a total of 21 written submissions from the community, including local residents, business owners and community organisations. A range of matters was raised in these submissions, including both support for and concern about the proposed building heights within the centre, a desire for the solar access to the main public courtyards to be retained, and retaining surface car parking within the centre.

The draft variation and the report on consultation were referred to me for consideration, and I referred DV345 to the Standing Committee on Planning and Urban Renewal for them to consider the proposal. The standing committee held an inquiry into DV345 and released a report containing 12 recommendations, including a recommendation that the variation be approved.

The government is grateful for the input of the standing committee into the planning process for the future of this well-utilised group centre. The report was carefully considered. Of the 12 recommendations, the government agreed with five recommendations, agreed in part with one recommendation, and noted the remaining six recommendations. I am pleased to advise that there were no recommendations that the ACT government disagreed with. The majority of the noted recommendations relate to planning process matters that, while not specifically relevant to 345, will prove useful in considering future Territory Plan variations.

A number of the agreed recommendations have resulted in changes to the variation. These include additional measures to limit overshadowing of the main public spaces, controls to provide a permanently open path that leads from the public car park to the adjoining pedestrian path, and a requirement for any redevelopment of the main surface car park to the west of Heard Street to include a new public courtyard along the southern side of the block. While this last change was not included in the Mawson group centre master plan, it will result in an improved experience for users of the centre, while not impacting on the desired character envisioned by the master plan.

I directed the planning authority to make the necessary changes to variation 345 in line with the agreed standing committee recommendations, which I have now approved.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence be granted to Mr Parton for this sitting day due to illness.

Climate change

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, Ms Le Couteur, Ms Lee, Mr Milligan, 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 Ms Le Couteur be submitted to the Assembly, namely:

The importance of preparing the ACT for more extreme weather events because of climate change.

MS LE COUTEUR (Murrumbidgee) (3.21): My current podcast listening is to David Wallace-Wells, who is the author of the distressingly titled *The Uninhabitable Earth*. It is, he says, much worse, than you think. He covers a great deal of scary future expectations: drought, floods, wildfires, economic crises, political instability, the collapse of the myth of progress. It is a tour of the future's emerging disaster. He talks about the six great extinctions, caused primarily by climate change. Some of those ended up with 96 per cent of all species becoming extinct. He also talks a lot about how even those of us who know about these predictions and believe them just do not live as if they are true. I am one of them. Basically it is because they are just too scary. I am not alone.

This is why we are having this MPI today. Climate change is real. It is going to get worse and we need to prepare for it. In the ACT we are already seeing more severe, more frequent and longer heatwaves, less rainfall but more frequent and severe storms, more extreme fire risk days and the likelihood of more dangerous bushfires. We have just had our hottest January on record. Canberra airport's mean temperature was 34.5 degrees Celsius, the warmest January mean since records started. It was 6.3 degrees above average. The temperature exceeded 35 degrees Celsius on 19 days at the airport, just over six times the January average. January set a new record for the number of consecutive days above 40 degrees: four days.

These kinds of records are being broken all over the world, year on year. The summer which just passed was the hottest summer on record for Australia as a whole. In just 90 days, more than 206 heat records were broken around Australia. Port Augusta in South Australia reached a record-breaking temperature of 49.5 degrees. It is expected that many Australian towns will have maximum temperatures of 50 or above by 2030.

Every state in Australia experienced serious bushfires, with properties lost in Queensland, New South Wales, Victoria and Tasmania. Pristine rainforests in Queensland and Tasmania which previously have not burnt suffered devastating damage. The pictures from Tassie were literally on an unbelievable level. New South Wales also experienced serious fires throughout autumn and winter. The Queensland fire season was much longer than normal. The Tasmanian fire season started early, as did ours, on 1 September, and is finishing late. In fact in the ACT we just experienced the hottest March on record as well.

These impacts are occurring when the earth has warmed about one degree from pre-industrial revolution levels. But without urgent, rapid action we are on track for the world to warm at least four degrees by the end of the century. The outcomes of that would be catastrophic. We are in a climate emergency. We need to recognise that and act accordingly. Members will have noted that my colleague Mr Rattenbury has put a motion on the notice paper asking this Assembly to acknowledge that we are in a state of climate emergency. I look forward to talking about this when it is debated.

Global leaders need to be climate leaders and act to mitigate climate change and the worst of its impacts. The longer we wait to take mitigation action, the harder it will be and the worse the outcomes will be. They will be devastating for the planet's inhabitants and its ecosystem. It will also be more expensive to do anything about it. For example, the national climate assessment released by the US government last year said that damaging weather had smashed records in the US for the past few years and cost around \$550 billion dollars since 2015. That was even before the wildfires which devastated California at the end of last year. Clean-up costs from that are expected to exceed \$1.5 billion. The insurance industry paid record payouts of close to \$12 billion from the 2017 fires and expects to pay even more from the 2018 fires.

David Wallace-Wells, whom I talked about earlier, who lives in California, was talking about how it is even becoming normal to have wildfires next to you in California. Economies will struggle to cope with these kinds of costs as climate change worsens. It is no wonder that insurance companies are some of the loudest voices calling for climate change action.

But as well as mitigating climate change, we need to prepare and to adapt. Regardless of our mitigation actions, the impacts of climate change are already affecting us. They will continue to affect us because of the warming already built into the system, due to the greenhouse gases that we have already emitted. There is a long time lag, so there are consequences we cannot escape. Governments around the world are preparing adaptation actions to varying degrees. Some are desperate and some are still negligently ignoring the issue. Many coastal cities are planning or building sea walls to try to protect themselves from sea level rises that could wipe them out. The fact that adaptation measures can be such an expensive endeavour will put governments in increasingly difficult predicaments, as they must decide whether their resources will allow them to protect all or whether some must be left to their own fate.

In the ACT we need to prepare. Extreme weather will affect us in every way, from our infrastructure's ability to cope with heat and storms to our health, social and recreational opportunities. All planning and decision-making and all infrastructure expenditure by the ACT government must factor in climate change. When we plant trees we need to think, "Will these trees be appropriate for a hotter, drier climate?" When the ACT government buys a bus we need to think, "Will these buses perform properly in heatwaves?" When it builds a sporting facility, the government needs to think, "Will this provide adequate shade in a hotter climate? Can it handle a deluge of water from more severe storms?"

In particular we need to be looking at the increasing threat from bushfires. A Climate Council report in 2016 found that the direct effects of a three to four degree temperature increase in the ACT—and we are currently on track for at least that—could more than double fire frequency and increase fire intensity by 20 per cent. The report found that the economic cost of bushfires in New South Wales and the ACT in 2016 was approximately \$100 million. These costs are projected to more than double by 2050.

As the fire seasons grow longer, the usual off-season between the dangerous fire periods is disappearing. This means that firefighters have less time for all their tasks, including hazard reduction burning, and the opportunity for firefighters, including volunteer firefighters, to have some kind of rest is diminishing. This means that firefighting land management is under a lot of pressure. It will need greater efforts and greater ingenuity. It will need more resources. We need to plan new estates and new infrastructure with bushfire resilience in mind.

I also want to mention the urban heat island effect and the need for more shading and cooling infrastructure. The urban heat island effect happens when things like pavements, roads and buildings, concrete in particular, absorb the heat of the sun and radiate it back. This increases temperatures. Members may have seen a CSIRO study that my colleague Mr Rattenbury released. It showed vast differences in temperature, up to 10 degrees on a hot day, between areas of Canberra that are well shaded and parts that are not.

The solution to this is to increase canopy cover in the ACT. We need more trees and other living infrastructure. We need to reverse the decline in trees and plant many more, and they need to be appropriate species for the changing climate so that they can produce shade to cool the city and its inhabitants. In areas that are denser, like town and group centres, we need to make more appropriate microclimates. They cannot just be concrete and bitumen jungles. There is plenty of room to incorporate trees, green space, water features and other innovations, potentially even green roofs. This is what we need to do if we are going to be comfortable in Canberra in the future, if we want Canberrans to be able to go outside, be healthy and use active travel, and even if we just want to stop the roads from melting on hot summer days.

Specifically I want to talk about buildings. We had a debate about that in the last sitting period, and I was very disappointed in the outcome. We have to start building climate-wise buildings now that are adapted for the hotter climate that Canberra now has. We are currently failing. We are building buildings facing west, with poor ventilation. These buildings are dangerous for people's health during heatwaves. Heatwaves kill more people than all other extreme weather events combined. I recommend to all of us that we need to take this one seriously.

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) (3.31): I am delighted to speak on this MPI and talk about this government's climate leadership. We often talk in this place about emissions

reductions. And why not? It is because of this Labor government and the leadership of former minister Simon Corbell, along with our Chief Minister, Andrew Barr, that our city will be powered by 100 per cent renewable energy.

Our leadership extends beyond just renewable energy. Many of our climate achievements have taken place under the stewardship of this Labor government. And this is because we recognise that economic growth and environment protection are not mutually exclusive. We recognise that you can protect our bush capital, our parks and reserves while growing our city. We support growth because this delivers well-paying, secure jobs, ensuring that all Canberrans are better able to share in our city's prosperity.

This Labor government's leadership on climate change also extends to adaptation. The reality is that while we must take and make all efforts to reduce emissions there is some warming that has already been locked in, and global warming that will bring changes to our climate. I would invite all members to look at the comprehensive adaptation strategy that was launched by Mr Corbell in 2016 titled ACT climate change adaptation strategy.

Consistent with this strategy, to prepare our city for the changes that are already occurring, the government is taking a range of actions. The impact of climate change on water security and our catchments has also been considered in the ACT's water resource plan. This plan provides a mechanism to meet future water security and environmental needs in a drying climate. We are developing a suite of water efficiency projects which will see the ACT reduce our water use.

The projects being considered include infrastructure renewal and maintenance, water sensitive standards and planning codes, stormwater harvesting and reuse, demand management and education and practice change, and proportion of sustainable development. This work builds on the 20 healthy waterways projects currently being implemented across the ACT with the long-term objectives to improve water quality, provide local amenity and cooling living infrastructure and reduce the number of occurrences of blue green algal blooms occurring in our lakes.

A key approach to enable biodiversity to adapt to a changing climate is to ameliorate the impact of existing threats including invasive species. The ACT is investing over \$2 million annually in the control and management of invasive species. Our action plans for threatened species and communities, for example the woodlands strategy and bogs and fens action plan, consider climate change and identify actions to support management of these areas under a range of climate scenarios.

The ACT government is also undertaking work to identify climate refugia in the ACT. These are areas that remain relatively buffered from contemporary climate change over time and enable the persistence of valued physical, ecological and socio-cultural resources. Identifying these areas means that we can target investment to ensure that the values are not impacted by other threats like invasive species. These strategies allow the government to promote the conservation of our natural environment for future generations.

Climate change in the ACT region means longer, hotter bushfire seasons, as we have heard. Understanding and managing the risks bushfires present to our bush capital is important. Canberra as a planned city is well designed to deal with climate change risks including flooding and bushfire. Maps are now available for the public to view on ACTmapi that show flood-prone areas and bushfire-prone areas across the ACT. We carry out bushfire risk assessments for new residential areas and require certain building standards for dwellings to be met.

We continue to work with the ACT Emergency Services Agency on wider bushfire and flooding matters. Consultation is now underway on the regional bushfire management plan, or the RFMP, as part of the strategic bushfire management plan prepared by the ESA. The RFMP uses modelling to simulate over 6,000 wildfires across the ACT and the impact on life and property and the environment. This approach enables fuel reduction burning to be targeted to priority areas taking into account a narrower burning window as a consequence of a changing climate. In addition, the government has made significant investments in bushfire preparedness, including new technologies. The work that the government is undertaking now is preparing the ACT for more extreme weather events as a result of climate change.

The ACT government is also progressing work in the areas of planning, design and building as they play a key role in delivering sustainable and livable developments in a changing climate. I invite members to reflect on my contribution and that of Mr Ramsay during the debate on last private member's day that touched upon these matters.

In concluding, I also want to congratulate the federal Labor opposition for their comprehensive package of actions that will help Australia transition to a low carbon economy, while growing jobs and helping those most impacted by unabated global warming. I am hopeful that I will soon have a federal ministerial colleague who accepts that climate change is real and will work cooperatively with our government to help tackle the challenges that climate change will bring.

MS LEE (Kurrajong) (3.37): I thank Ms Le Couteur for bringing this matter on for debate today. The past few weeks and months have certainly demonstrated to Canberrans, and indeed most of eastern Australia, the ability of the weather to range from hot to cold to windy to wet at a moment's notice. The change to cold on the weekend has triggered a wave of discussion on radio about when in Canberra it is appropriate to put away your fans and put on your electric blanket. Of course, Anzac Day is the day Canberra experiences its first frost. And if a frost does not come on that day, as it often does not, then you are reminded that you need to be ready because it could.

It was always a Sydney joke that in Melbourne you were able to get four seasons on any one day without warning, and that jibe has continued for over a century and is probably as relevant today as it was when first stated. In the history of the planet, climate has always been changing and we, in our very short time on earth in geological terms, need to be aware of what we experience and what we contribute to weather patterns and put that in context.

It is unfortunate that too much discussion on climate is based on fiction or misplaced ideology by extremists ranging from climate change alarmists to climate change deniers. We can all recall Tim Flannery's dire warning that Warragamba Dam would never be filled again—and for the record, it has been, regularly, since that prediction—and even today people use any and every bushfire, even when it has been started by a pyromaniac, as evidence that the planet is getting hotter. This sort of dialogue simply polarises people and prevents sensible, reasoned debate.

But can we do more: build more dams, conserve more water, develop more sustainable farming methods for future generations? Of course we can. Climate is changing—it always has—and, as global population expands, increasing pressure is put on our natural resources. That will impact even more on climate. How we prepare for it, how we ensure as individuals, as a territory and as a nation, to respond to it is critical.

The panic and alarmist policies of groups like the Greens to stop all coal mining now and shut down all coal-fired power stations immediately, to remove all fuelled cars and trucks, to stop livestock farming is not a plan for climate survival. It is a plan for economic ruin on a large scale.

Do we do nothing? Of course not but let us be sensible about what we can do and might do. As individuals we can reduce our reliance on our energy needs like air conditioning in summer and winter. Ms Le Couteur made mention in a recent speech of her need to have her air conditioner on all day. Perhaps she could lead by example. In winter we can put on warmer clothes, use wool blankets and doonas and hot-water bottles. We can stop draughts and install double glazing. All these tips are promoted by Actsmart and are sensible suggestions that can be easily adopted by each and every one of us.

We can continue to invest in renewable energy, as we have done in the ACT, and show leadership for our nation on a sustainable way forward but we must always be mindful of the need for it to be affordable and reliable so that our most vulnerable are not being unfairly disadvantaged at the cost of achieving a symbolic goal. We can buy cars suited to our needs, not our desires, and longer term we can adopt better and more sustainable housing. We can maximise the benefits of trees for both carbon and also temperature control and we can become more conscious of our own footprint on the planet. And, of course, our next big challenge is reducing emissions from transport. I thank Ms Le Couteur for reminding us all that we must all play a part in managing and protecting our planet.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (3.41): I am pleased to speak on this matter of public importance particularly in my role as Minister for Community Services and Facilities, which includes responsibilities for community recovery, a topic occasionally overlooked in the community during the debate about extreme weather events and climate change. I want to focus on that in my remarks today.

The 2018-19 summer was the warmest summer on record, well ahead of the previous hottest summer on record in 2013. Australia's summer disaster season gave us bushfires, heatwaves and dust storms, and this year's bushfire season has run for eight months. In northern Australia we had unprecedented bushfires followed by floods and cyclones so devastating that the ACT sent two teams of social recovery experts to assist.

We acknowledge that climate change will increase the frequency and severity of extreme weather events. It is important that Canberrans, the ACT government and Canberra businesses and organisations prepare for more extreme weather in future years. It is the responsible thing to do because climate change is already happening and the effect on us will continue into the future.

The 2003 bushfires are still the thing most Canberrans think about when it comes to extreme events. The devastation and heartbreak still impacts people today. Since then the ACT government has upgraded and updated our approach to managing extreme weather events. We are ever vigilant as the frequency and severity of disasters will continue to increase. The ACT's territory-wide risk assessment looks at the strategic hazards facing the ACT. Not surprisingly bushfire is listed as our highest risk.

Less well known is the other extreme risk facing the ACT—heatwaves. Heatwaves kill more people than other natural disasters. When temperatures rise to unbearable conditions, so does the demand on our health system. This summer the ACT government activated its extreme heat plan to help Canberrans cope. While presentations to hospital emergency departments increased our actions to help Canberrans keep cool worked. These included extended opening hours at libraries and a focus on helping vulnerable Canberrans, including the homeless.

Following major emergencies the ACT government coordinates relief and recovery services for affected individuals and communities in the ACT. This involves bringing together government agencies and community organisations to ensure that Canberrans are protected and recovery services are effectively delivered.

The ACT government is currently updating its disaster recovery planning. The Justice and Community Safety Directorate is leading a whole-of-government effort to more closely integrate the different elements of recovery: community, environment, infrastructure and economy.

Our recovery planning is based on the national principles for disaster recovery. These principles put the community at the centre of successful recovery. The ACT government works with and supports the community by embracing a community-led, community-centred approach. Recovery is an integral part of the emergency management system.

While our emergency services are at the front line in responding to extreme weather events they are supported by a large community recovery network. The network is led by the Community Services Directorate and includes partners across the ACT government. Together with 13 non-government organisations and charities CSD delivers the recovery services people need.

Most people will know of the community recovery roles of the Australian Red Cross, the Salvation Army, Anglicare, St John's Ambulance and St Vincent de Paul. I also recognise our lesser well-known recovery services and partners: the Adventist Development and Relief Agency helps find temporary accommodation for people who cannot go home; GIVIT helps match the needs of affected people with generous donations from families and businesses; Volunteering and Contact ACT helps match volunteers to organisations helping in recovery and clean-up work; ACTCOSS and Communities@Work help us ensure that vulnerable Canberrans are supported; and CatholicCare, Lifeline and ACT Disaster Recovery Chaplaincy Network work with ACT Health to provide psychological, emotional and pastoral support. We appreciate the hard work of all our community recovery partners and thank them for the willingness to be there in times of need.

In preparation for major emergencies the ACT government has identified five ACT government colleges to be used as evacuation centres if required. Colleges work well as evacuation centres as they are large, well set up, have ample parking and are wheelchair accessible. The education directorate has installed backup power systems to ensure that buildings are air conditioned, lit and, importantly these days, have wi-fi access even when the power goes down.

It is also important to note that pets are welcome at ACT evacuation centres. This reflects lessons learned in other disasters when people have been unwilling to leave their pets at home alone as fire or flood approach. Safe areas are identified for animals designated for each evacuation centre to be managed by domestic animal services.

Recently the ACT government in conjunction with the Australian Red Cross conducted a major community recovery exercise. On 4 March 2019, we conducted exercise Frida, an evacuation centre exercise at the Hedley Beare Centre for Teaching and Learning in Stirling. Led by the Community Services Directorate and Red Cross, the exercise simulated operating an evacuation centre in response to a large bushfire on Black Mountain.

The scenario tested processes to receive people evacuating neighbouring suburbs and stand up government facilities. An independent evaluator was contracted to evaluate the exercise and document learnings and observations. The independent evaluator concluded that exercise Frida was a well-planned, realistic and effective exercise.

When I visited the exercise, I saw firsthand how staff and volunteers engaged with the scenario and worked to test procedures to deliver the services of an evacuation centre. I was impressed with the focus on supporting the personal and emotional needs of evacuees.

The national principles for disaster recovery tell us that effective recovery requires all activities to be coordinated and well communicated. The exercise gave staff and volunteers the chance to meet and work together and to learn about each other's services and programs. Through this we strengthened relationships and improved coordination for any future evacuation event.

Opportunities for improvement were identified by the independent evaluator as well as by exercise participants and the exercise control team. Areas for attention include: the provision of information inside the evacuation centre to evacuees, staff, and volunteers; caring for unaccompanied children; and streamlining our forms for disaster assistance payments. The ACT government and our community partners will work continuously to improve our procedures and operations.

In addition to the work of community partners and the ACT government, individual Canberra households are also being encouraged and supported to prepare for more frequent disasters. Survival and recovery depends on individual preparations and the decisions people make.

Preparing bushfire survival plans and building support networks to assist each other—especially for vulnerable people such as the elderly, disabled, and young children—are key to building a resilient Canberra. Together, well prepared households, highly capable community partners, and ACT government agencies are well positioned to cope with a more dangerous future that we know will increase with climate change.

In my other role as Minister for City Services we are continuing our focus on planting more trees around the capital. This autumn we are planting over 400 trees in Canberra. We will continue that approach to make sure that we retain our canopy, particularly some of our ageing groups of trees coming to the end of their life, and keep the character of our bush capital.

We know that trees make our capital a cooler place, often up to ten degrees cooler in areas with shade, and that helps us to adapt to climate change. We want to encourage the broader community to also plant more trees around Canberra to increase our resilience and adaptation to climate change in the future.

Of course severe weather events sometimes cause branches to fall from trees around the capital. We have had several of those even since I have become minister in August last year and our arborists in Transport and City Services have had to work very keenly to clear up a lot of fallen branches from the streets around Canberra. That is something we expect to increase over time and so we will need to continue to consider how we adapt to climate change, particularly in making sure that we retain our fantastic tree canopy.

I know that Minister Rattenbury is continuing his publicly stated commitment to develop a living infrastructure plan, and I look forward to working with him on how we can make sure we increase and retain our fantastic tree canopy in Canberra.

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) (3.50): It is imperative that the ACT be prepared for more extreme weather events because of climate change, which is the topic of today's discussion. Certainly, the ACT has been a leader in addressing climate change and playing our part as global citizens. In 2012 we set in legislation

Australia's most ambitious emission reduction targets, including a 40 per cent reduction in emissions by 2020 on a 1990 baseline. We set out to achieve this target through a combination of energy efficiency initiatives and the procurement of renewable electricity.

I am pleased to say that we are on track to meet our target. By 2020, emissions in the ACT will be 40 per cent lower than 1990 levels, primarily as a result of our 100 per cent renewable electricity target.

I think that we need to acknowledge that a level of global warming is already locked in and that adaptation is required to keep our community safe. That is why the ACT has a climate adaptation strategy, which was released in 2016. Minister Gentleman spoke about this. In April 2018 the government launched our three-year transition to zero emissions vehicles action plan which outlines actions the government will take to accelerate and support the uptake of zero emissions vehicles, both electric cars and electric bikes.

That is the broad policy context in which we are operating. It is worth reflecting on the scenarios we will potentially need to respond to, because our climate is already changing and in the future we can expect more extreme weather events. These trends will continue due to greenhouse gases already in the system. There will be inevitable changes to the planet's climate in our lifetime. As I have mentioned, some degree of climate change is already locked in and the models indicate that certain consequences will arise from that.

The ACT government has partnered with the New South Wales government to produce the NARcliM high resolution climate projections. It is the latest, best available science that provides the territory with fine scale 10 kilometre by 10 kilometre grid projections and sound scientific data to ultimately inform climate change policymaking. Based on long-term observations, mean temperatures in the ACT have already increased by about one degree Celsius since the 1950s. It is predicted to get hotter than that. Changes to rainfall patterns and an increase in bushfire risk are also likely.

We are likely to see nearly double the number of days over 35 degrees Celsius; a decreased winter and spring rainfall, which will trigger vegetation drought response; increased intensity of extreme rainfall events, which can lead to flash flooding; and an increased number and severity of fire danger days, with the consequent potential for bushfires.

There is more detail behind these broad observations. It is expected that heatwaves will in fact become hotter, more frequent and will last longer. Of course, heatwaves disproportionately affect the most vulnerable Canberrans, including those living in apartments and at the urban fringe. Warmer city temperatures increase the need to cool down buildings, leading to higher energy use and therefore higher household costs. Hot weather reduces the opportunities for people to be active outdoors, including for both recreation and work.

I think Ms Le Couteur talked about the recent summer we have been through. I think it is worth reflecting on some of the temperature records, extremes and averages that we have seen here in the ACT. In the 94 years from 1913 to 2006, there were only nine days in Canberra above 40 degrees Celsius; so roughly one a decade. In the 12 years from 2007, there have been 16 days above 40 degrees Celsius. Of course, the January 2019 heatwave was the first recorded period of more than four consecutive days over 40 degrees Celsius. You can see there the extraordinary imbalance in those two data periods.

This January there were nine days, including five in a row above the ACT heat plan threshold and we have experienced a significantly above average number of days greater than 35 degrees Celsius in the last 12 months. The long-term average is five days. In the last year it was 27 days, of which 19 days occurred in January.

Droughts are also predicted to increase in severity and frequency. We are already experiencing greater impacts from drought. Annual rainfall for the past few years has been well below average. There are fewer rain days overall and we have been having some of the driest months on record.

Canberra's lakes and waterways are, of course, affected by pollutants washed into drains, waterways and water bodies. Outbreaks of blue green algae pose a serious threat to human health and result in periodic closures of Canberra's lakes caused by long periods of no rainfall and high temperatures interspersed with intense storms and high levels of runoff. In 2018 Canberra lakes and swimming areas were closed on 43 days. Again, this for me underlines an issue that I have spoken about since I first came to this place, which is the need for us to make a greater effort to protect our urban lakes and waterways from these consequences.

Storms are predicted to become more intense and cause more flash flooding. The seasonal variation of rainfall is already reported to be changing, with less winter and spring rainfall and more intense storms, particularly in February and March. These storms cause flash flooding and can reduce water quality. I think the flash flood in Canberra's Sullivan's Creek catchment on 25 February 2018 demonstrated the sort of impact that intense storm precipitation can have when it is such an unusual rain event with such intensity.

Bushfire weather will also increase, with the subsequent threats that arise from that. This year the declared bushfire season started earlier and will end later than ever before. Of course, we saw a similar circumstance in New South Wales in parts that had been significantly affected by drought. The bushfire season was actually declared last year from 1 August, which of course is still the formal winter period.

One of the things we need to think about in light of all this scientific data and modelling and these predictions is our community's preparedness for these changes. The ACT has undertaken a survey of the community called "Living well with a changing climate." It found that more than one-third of the adult population of the region have low resilience to extreme weather events. This is often the result of insufficient planning or preparation.

The large majority of ACT region residents feel that climate change is a genuine problem for the future. In fact, that figure was 90 per cent. Eighty-seven per cent believe that it is important to act now to reduce the effects of climate change. However, despite being willing to act, confidence in being able to adapt easily is low. Less than one-third felt confident that they could readily adapt to any climate change occurring in their lifetime.

This low confidence is important for us to understand and to respond to because it can limit successful adaptation. People need to be provided with support to adapt successfully. That will be a combination of strategies that will help people prepare for these effects of climate change. Those who are younger, were born overseas in non-English speaking countries, and those who are renting, were least likely to report being well prepared.

Younger people also emerged as often highly vulnerable to heatwaves through a mixture of having specific health issues known to worsen in hot weather, greater exposure to negative social behaviours in heatwaves, living in residences that performed poorly in heatwaves, and being more likely to work in jobs that have exposure to heat. This highlights a need to consider strategies for supporting younger people in heatwaves as well as the traditional approach, which has been particularly focused on the elderly.

Certainly, the research has identified that renters are one of the most vulnerable groups, living in residences that were often performing poorly in heatwaves and also often having low financial resilience to heatwaves. Poor performance of residential infrastructure was perhaps identified as the greatest challenge in this research.

I have talked about some of the steps that the ACT government is already taking in the mitigation space. We will, of course, need to continue to think about adaptation as well. As Minister Steel touched on, that focus is coming through the development of a living infrastructure plan.

Living infrastructure is represented by vegetation, water and soils. Certainly Canberra, as the bush capital, is renowned for its natural assets and we as a community benefit extensively from our urban forest and waterways. Continuing to integrate trees, green open spaces and constructed waterways into our built environment footprint is a cost-effective and efficient way of reducing and preventing the urban heat island effect, providing the community with access to nature and protecting the healthy function of our natural environment.

We will also need to think about new technologies. For example, increased permeability in streets and open spaces is important for both increasing tree canopy as well as promoting the absorption of water into the soil. We have much work left to do. We cannot put our head in the sand when it comes to these issues. They are ones that our generation will need to face and certainly future generations. I look forward to continuing to work on these matters of preparing the ACT for the future.

Discussion concluded.

Controlled Sports Bill 2018

Debate resumed from 29 November 2018, on motion by **Ms Berry**:

That this bill be agreed to in principle.

MR MILLIGAN (Yerrabi) (4.00): The Canberra Liberals will be supporting this bill. However, we have amendments, which I will outline shortly. The intention behind this legislation is to regulate combat sport events in the ACT to improve the safety of contestants and to promote integrity within the commercial aspects of this field. The Canberra Liberals acknowledge that a review of this area was necessary. We understand that this review was needed given that the Boxing Control Act 1993 was somewhat outdated. We also understand that it was time for the ACT to stand up its own legislation rather than relying on regulations from New South Wales.

There have been similar reviews and revised legislation implemented in New South Wales in 2014 and, most recently, in Victoria in 2018. These reviews have stemmed from incidents in the professional area of combat sports where there have been safety issues and integrity concerns in other parts of Australia.

Whilst we understand the need, the Canberra Liberals disagree with the over-regulated approach of this legislation. In saying that, I was very pleased that the Minister for Sport and Recreation provided us with a brief on these changes in late December last year and has worked with us on several amendments. These amendments will go a long way to cushioning the impact on local and grassroots sport. However, in my view, they do not go far enough. This comes down to essential differences in our world view and perspective. We in the Liberal Party prefer to trust individuals to do the right thing; to only intervene when necessary; and, when we do so, to make sure that the structures and processes are efficient and do not hinder process. That is one of the reasons we think this legislation is unsound.

At the heart of it, our main concern with this bill is the over-regulation of sport. Whilst there are risks with combat sport, as with any sport, in the case of the ACT we have had no history, or a very limited history, of safety and integrity issues. The proposed reforms take a very heavy-handed approach that has the potential to compromise personal freedoms and choice whilst increasing government interference and oversight.

Nonetheless, for the professional element of combat sports, or the registrable events in the case of this legislation, the Canberra Liberals will apply a watch and wait approach for these changes. We hope that they meet the intent of the government to enhance safety and integrity, and we will watch carefully to ensure that in doing so they do not unfairly impact on individuals and groups within the sector. After all, we have seen time and time again in this place that over-regulation, fees and lack of support from government have driven major events, and residents, interstate. We hope that this is not the case for boxing and combat sports entertainment.

One of my particular concerns was with the definition of commercial purpose. There seemed to be no way ahead for us to agree on that aspect. In relation to the amateur elements or non-registered events and exempted light combat sports, in my view the bill in its original form was too far-reaching. I firmly believe that this would have unfairly impacted on local martial arts schools, fitness-related enterprises and grassroots competitions. Whilst demonstration events per se are excluded, there remained uncertainty on how local martial arts schools, tournament organisers and combat-related fitness programs might operate.

The minister stated when she introduced the bill last year that it was not intended to impact on the suburban sporting competitions which form part of the leisure and fitness activities of ACT residents. Unfortunately, the definition of a combat sport, registrable event and non-registrable event have the potential to impede the operations of this level of sporting activity. That is why we are putting forward amendments to focus on these areas.

For example, I have spoken with several local martial arts schools. They run events that are not classified as demonstrations; they could be considered competitions where participants show their skills. They also run classes, fitness packages and holiday programs. Many of these schools are likely to be excluded from this legislation for being light combat sports, such as karate or jujitsu, but there is no guarantee. To get an exemption they must apply to the minister. If, for any reason, they are not granted an exemption, the decision from the minister is not reviewable. They then must make application to conduct their event and comply with a series of conditions.

This is a worst-case scenario, but with this government I felt I could not leave anything to chance. That is why we have worked with the minister to exclude training and fitness-related activities. I am very pleased to say that after much back and forth we have found common ground.

An example where, sadly, we have not been able to reach agreement, relates to a local martial arts school that conducts a state-level tournament each year. The school has over 200 students, 150 of whom are juniors. It is a great example of a local business but also provides grassroots sport, and junior athletes in particular, with pathways to compete. It has been operating for more than 10 years. It has been doing so without incident and with all relevant checks and balances in place. It falls under a nationally recognised sporting body. It has public liability and indemnity insurance. It has medical officials on site during the event and gives away fantastic trophies and prizes. The event has grown from strength to strength and is now a fixture on the sporting calendar.

To conduct this event costs approximately \$15,000. Therefore the organisers charge an entry fee and ticket price. This is merely to cover the cost, and they barely do that. This is not to mention the countless volunteer hours and time off work they invest to make this a success. Under the new legislation, this tournament will need to apply to the government and be deemed either a registrable or non-registrable event. As an event with a commercial purpose, it is likely to be a registrable event. If so, they will have to submit and pay for applications for all participants, officials and promoters.

There will need to be police checks, blood tests and medical clearances. Hopefully, common sense will prevail and the minister will declare this to be a non-registrable event, which, funnily enough, will still have to register, though at least, as a non-registrable event, the applications and conditions will not be as arduous.

We believed that the process and time frame around decision-making across the bill seemed unfairly weighted to the machinery of government and did not give procedural fairness to applicants. Amendments have been put forward to ensure that bureaucrats provide reasons for decisions and there is guidance for making these decisions in a timely manner. A statement of reasons is a simple mechanism to outline the rationale for a decision. I am very pleased that the government has taken this idea on board. This should assist to not only make compliance more reasonable and realistic but also reduce the number of reviews by ACAT.

Madam Deputy Speaker, I found it unsettling in many ways that this was the approach the government was going to take with decision-making for participants in sport. There seemed to be an assumption that applicants had the time, the literacy and the confidence to interact with bureaucracy in this way. An example is a former inmate of the AMC or a reformed person who might have made mistakes in their youth. As is often the case, young men and women have used boxing and combat sport as a positive force for rehabilitation. Combat sports have the potential to provide great outcomes in terms of health, fitness and personal discipline. These individuals may have had a chequered past but they have served their sentences. To potentially deny them registration and not provide reasons for this decision, or a right of reply, seemed unjust. Again I was pleased to work with the government to make amendments on this particular matter.

The Canberra Liberals have worked hard to fix this legislation. The amendments we will be proposing today will help, but we will also have to wait and see what the subsequent regulations have in store for combat sport. The devil will be in the detail. Unfortunately, the government has not finished drafting that important part of the framework. Overall, I thank the minister for agreeing to many areas of improvement, but we will wait and see how these rules and processes play out.

Before I sit down, I would like to thank my staff, and the team from PCO—David, Clare and Karen—for their hard work and assistance to put forward many of these changes. And I want to thank the many local clubs and combat sports enthusiasts I spoke to over the Christmas break. All of these conversations helped me shape my thinking. It was your stories, your businesses and your sporting endeavours that made me so determined to put forward practical changes to this legislation.

MR RATTENBURY (Kurrajong) (4.10): The Greens will be supporting the Controlled Sports Bill 2018. Canberrans love their sports. We know that Canberra is one of the most active cities in Australia and that our sporting events are generally well attended. To improve the safety of contestants and to ensure integrity in the industry, the bill establishes a legislative framework to update regulations on combat sports events here in Canberra. The bill seeks to regulate commercial combat sporting competitions and contests rather than suburban or local combat sports competitions.

The bill includes arrangements for the registration of participants in defined events, minimum standards for the conduct of events, and compliance and enforcement functions. These arrangements reflect community and industry expectations for managing these types of activities in the ACT

According to the bill, a controlled sport is a combat sport or “any other high-risk sport or activity prescribed by regulation”. This definition is an alternative to listing particular sports, where there is a risk that regulation of those sports could become outdated and in need of review. This also allows for new sports to be immediately covered by the bill if that is required.

The bill allows for light contact combat sports to be exempted by the minister from being a controlled sport, upon application. In making this declaration, the minister must consider a range of factors, including the techniques and amount of force used in the sport, the rules of the sport, and the risk of injury to participants. This exemption was included following feedback from the industry.

The bill replaces the Boxing Control Act, which was initially intended to cover only boxing and kickboxing. Since that piece of legislation was introduced, a number of new combat sports have emerged, including Muay Thai and mixed martial arts. New forms and styles of combat sports were not envisaged by the Boxing Control Act, which did not have appropriate oversight of safety and integrity measures for combat sports in the ACT. The existing legislation is outdated and inadequate, and this bill will ensure that commercial sporting events are now regulated appropriately in the territory.

Whilst many believe that the commercialisation and professionalisation of sports have led to a better sporting product, it has come with risk to the integrity of sports. With large sums of prize money on offer, and the increasing popularity of sports and online betting, results of sporting contests are at risk of being manipulated if the appropriate regulations are not in place to safeguard against these risks. Combat sports are unfortunately not immune from these risks, and this bill will allow spectators and participants in combat sports to be confident in the integrity of the result of the contest which they are participating in or watching.

Due to the high risk of injury associated with combat sports, it is important that the appropriate medical safeguards are in place for these sports. This is something that the Canberra community would expect. The bill is designed to be flexible enough for specific details, such as the medical equipment required for particular events, to be updated quickly through subordinate legislation as best practice recommendations change.

Under the current legislation, many of the safety and medical protocols and integrity measures exist without compliance and enforcement measures. This has meant that combat sports events in the territory have not been checked by authorised officers once the event is underway. This bill will fix this anomaly and bring the ACT into line with other jurisdictions. Inspectors will be given powers to monitor safety compliance, including testing medical equipment and ensuring that all medical checks have been

undertaken. This will significantly reduce the risk of serious injury, or worse, at commercial combat sporting events in the ACT.

I believe this bill will ultimately benefit the combat sports industry in the territory. It will provide certainty for the industry regarding the regulatory requirements for holding a commercial combat sport event. It will also improve the integrity and safety aspects of the industry, and bring the industry into line with community expectations, as well as the standards in other jurisdictions.

This bill has been some time in the making. The issue has been around for some time. I believe that Minister Barr, when he was the minister for sport, spent some time looking at this. Certainly in my time as the minister for sport we did some consultation work on this. I am very pleased that Minister Berry has now brought a bill to the Assembly. It is well time that we made an update to the Boxing Control Act and looked at the broader issues that are at play in this space of combat sports. On those grounds, the ACT Greens are pleased to support the bill today.

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) (4.16), in reply: First of all, I would like to thank Mr Milligan for the constructive negotiations that we have had around this bill. Reforms to combat sports legislation will improve safety and integrity in the combat sports industry.

Today I will move five government amendments. I present a revised explanatory statement to reflect these amendments and respond to the scrutiny committee's questions. These amendments will reflect where we have been able to negotiate an agreed position with the opposition.

The bill development saw the ACT government examine many different models that operate both within Australia and around the world, as well as modernised operations here in the ACT. A key consideration in the design of the regulatory model has been to build the scheme around industry operations so as not to disrupt the sector. Like any sport, participation in combat sports has many benefits, such as increased fitness and social connectedness, but the safety and integrity risk cannot be ignored and that is why the government has developed this legislation.

The legislation has been drafted to ensure that the focus is primarily on registrable events, meaning that we expect minimal impact on participation-level sports such as junior martial arts. Part of the conversation I have heard is about why combat sports are being regulated by the government; why not other contact sports? The answer to this question is multifaceted. There are a number of reasons for this approach. Some combat sports have been regulated by the ACT government since 1993 under the Boxing Control Act. Industry have told the government that they do not want to move to a solely self-regulatory model, and the government feels that to do so would present unacceptable risks to safety and integrity. In short, this is not a whirlwind reform.

The combat sports industry is quite dispersed. There is no one governing body that oversees combat sports, and in many instances there are multiple players inside single combat sports. This means that there is an inconsistency in the rules that are applied which can result in safety and integrity risks. There is a clear need for minimum safety standards, and for the government to set these for the industry. No other sport is like combat sports, in the sense that the potential for head injury is managed very differently. No other sport allows a player eight to 10 seconds to get up after a hard knockdown to keep playing. Players in other contact sports are removed from play immediately. This is not the case for combat sports, and to change it would fundamentally change the nature of the sports.

The government has chosen to manage the safety risks by setting minimum standards for consistency across the industry. Integrity also needs to be the focus. We know from other jurisdictions that there are issues with some operations in the sector. Where there is a vested interest in outcomes of contests that is illegal or legal, contestant safety may be put at risk. There can be a risk of illegal activity, and, if so, to innocent members of the public who are spectating.

Many in the industry have asked the government to act and to regulate. As such the government has been working with the sector over recent years to improve standards and prepare them for these reforms. This included updating the industry code of practice in early 2018 to make those expectations clear.

The government has worked with the industry to meet deadlines for submission of event details, to ensure appropriate checks can be undertaken before event approval is given. The government has also maintained a firm position on safety matters, including medical clearances and reporting to other regulating jurisdictions. The industry wants the government to act, so it is my position that we must proceed with this bill in order to better support the combat sports industry to be about sport and the benefits of participation that it can offer.

Improving safety standards is a major part of how this will be addressed. The safety matters detailed in the bill are extensive and well researched. These include requirements for medical screening on an annual basis for registered contestants through the certificate of fitness; pre-event medical screening to ensure contestants are fit to compete at a specific event; compulsory medical practitioner supervision of events; compulsory requirements for medical equipment at events; and robust medical reporting requirements.

We know from the New South Wales coronial findings into the death of a boxer in 2015 that standardised safety measures are essential in reducing the risk of a fatality or serious injury. The coroner found that the boxer died as a result of a bleed to the brain after receiving multiple blows to the head during the bout. His concussion was not recognised by registered officials early enough and incorrect rules were applied, including the standing eight count, which ultimately meant that he sustained three extra seconds of hits to the head from his opponent when the round should have ended.

From this tragedy, governments can learn how to improve safety measures for combat sports events. We can learn to ensure that procedures are being followed through our enforcement measures and we can ensure that rules are consistent, clear and evidence based. This, of course, will not eliminate the risk of such an event occurring here in the ACT, but it helps to reduce the likelihood. The Controlled Sports Bill reflects these safety priorities and will lift the standard of our operations in line with other jurisdictions.

The integrity measures outlined in the bill directly address the issues that can exist with the sector, from our discussions with other jurisdictions and ACT Policing. Our registrations for contestants and officials will look at the number of past criminal offences and intelligence as a mitigating factor in granting registrations. This does not mean, however, that just because someone has committed a criminal offence in the past, they will automatically be precluded from registration.

The ACT government recognises that combat sports can be a great diversionary activity for some and can provide a positive pathway to fitness, discipline and social connectedness, and we do not want to take that away. The offences that will be considered as part of registration look at specific matters that will impact on the integrity and safety of combat sports. These include matters like fraud, money laundering, cheating and gambling, and offences involving assault, violence or weapon possession.

Inspectors will also be on the ground for the first time in the history of combat sports regulation in the ACT. Inspectors will play a vital role in ensuring that all safety measures are followed and will help to lift standards in the industry so that we know that corners are not being cut to avoid compliance. We will notify police of events so as to help them address any risks of criminal activity or public safety concerns. By working with ACT Policing on events we can further support their work to address criminal influences within the sector.

Lastly, I would like to thank everybody who has contributed to the development of this comprehensive bill. I would like in particular to acknowledge the contributions of the local combat sports industry, medical experts, academics, ACT Policing, and sporting experts. I thank all of you for your assistance in this process, as well as officials from sport and recreation ACT for their dedicated work in putting this bill together.

I have learned a lot about the broad variety of combat sports that will fall under this bill. I have appreciated the conversations with the sector leading up to the implementation of this bill. We have committed to continue to work with the sports sector around safety and integrity. We do not want to undermine sports participation. We want to make sure that, with combat sports registration, it applies to a designated non-registrable or registrable event.

The spot checks that will occur around this are a good thing, and parents would support that. This bill, particularly around registration, is about drawing a line around bigger commercial events. Sport and recreation will develop guidelines over the

six-month transition leading up to September with the industry to make clear what is a registrable event and what is not a registrable event.

With sport events like club tournaments, all we want these club tournaments to do is let us know that they are happening. This bill will ensure that they are well-governed environments and that they will now be sanctioned by an authorised body.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

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) (4.25): I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the amendments [*see schedule 2 at page 1219*].

The government has moved this amendment to remove all doubt regarding the exclusion of training from the meaning of “controlled sports event”. The definition proposed is industry specific and reflects the training environment for combat sports. Additional clarity is provided to differentiate between contest sparring, which exists in some combat sports, and sparring for training purposes. This ensures that only contests are covered by the definition.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10.

MR MILLIGAN (Yerrabi) (4.26): I move amendment No 2 circulated in my name [*see schedule 3 at page 1222*]. Unfortunately, this is an area that we could not find common ground on. We are frustrated that local businesses will be unfairly impacted by this. We are also concerned that this will restrict any new events from emerging, as operating in the ACT may just become too hard.

I firmly believe that excluding events that seek to cover costs was a middle ground. I thought that we could see budding entrepreneurs emerge, and support greater entertainment opportunities for Canberrans. Sadly, the government do not trust local businesses; therefore they have indicated that they will not support this amendment.

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) (4.27): The government does not support Mr Milligan’s amendment. Defining commercial purpose by exclusion of those not reinvesting in the entity creates a loophole for commercial events to claim that they are reinvesting in their entity and therefore should be excluded from the definition for registrable events.

This amendment will create confusion as to what reinvestment is and will make it difficult for an organisation to prove it either way. This poses a risk for the integrity of the bill, in that the registrar will not be able to clearly define what is a registrable event, and what is not. Administrative appeals may increase as a result. Instead I propose to provide, as I said in my speech previously, detailed guidance material to the industry to help them determine where their event fits, with the guidance and support of administrators.

MR RATTENBURY (Kurrajong) (4.28): The Greens will not be supporting Mr Milligan’s amendment where he seeks to add the words “that will not be reinvested in the entity”. Minister Berry has already touched on our key concern. I think it creates a grey zone that is unhelpful to the bill, and on that basis we will not be able to support it.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 12

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

Amendment negatived.

Clause 10 agreed to.

Clauses 11 to 17, by leave, taken together and agreed to.

Clause 18.

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) (4.34): I move amendment No 2 circulated in my name [*see schedule 2 at page 1219*]. This amendment was developed through negotiation with the opposition and I understand that they are happy to support this amendment. I thank Mr Milligan and his staff for working with my office on this important legislation.

This amendment establishes an internal review mechanism for applicants to submit additional information to the controlled sports register to reconsider a decision not to grant registration as an official. The registrar must consider the application before providing a decision within 20 working days.

While an applicant can still apply to the ACT Civil and Administrative Appeals Tribunal for a reviewable decision the addition of this clause provides an alternative avenue and is likely to reduce the likelihood of this happening, thus reducing the administrative burden on the tribunal as well as the applicant.

MR MILLIGAN (Yerrabi) (4.35): I am pleased that the government has agreed to my suggestion to provide applicants with a statement of reasons. This at least creates an avenue for redress and supplying additional evidence without the need for ACAT action. I hope that this makes the process fairer and more balanced.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 21, by leave, taken together and agreed to.

Clause 22.

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) (4.36): I move amendment No 3 circulated in my name [*see schedule 2 at page 1219*]. The opposition has worked with my office on this amendment and they are again happy to support it. This amendment establishes an internal review mechanism for registered officials to submit additional information to the controlled sports register to consider a decision to not grant registration renewal. The registrar must then consider the application and provide a decision within 20 days.

While an applicant can still apply to the ACT Civil and Administrative Appeals Tribunal for a reviewable decision the addition of this clause provides an alternative avenue and is likely to reduce the likelihood of this happening, thus reducing the administrative burden on the tribunal as well as the applicant.

As with other sections of the bill, the amendment now also includes a subclause regarding the disclosure of security sensitive information and thus sections 84 and 85 apply regarding the ACAT or court review and decision on security sensitive information and the handling of this information in order to protect the integrity of

law enforcement intelligence and not impact on larger intelligence operations. An explanation of the application of clauses relating to security sensitive information has been explored in detail in the explanatory statement.

MR MILLIGAN (Yerrabi) (4.37): This is an important change and I am pleased that the government has agreed to my suggestion to provide applicants with a statement of reasons.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clause 23.

MR MILLIGAN (Yerrabi) (4.38): I move amendment No 7 circulated in my name [*see schedule 3 at page 1222*]. I am pleased the government has agreed to this amendment as it gives consistency and provides applicants time to respond. Providing 20 days should allow applicants to collect evidence and reports and get statements as required. Again, this should help provide better balance.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 26, by leave, taken together and agreed to.

Clause 27.

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) (4.39): I move amendment No 4 circulated in my name [*see schedule 2 at page 1220*]. This amendment establishes an internal review mechanism for applicants to submit additional information to the controlled sports register to consider a decision not to grant registration as a contestant. The register must consider the application and provide a decision within 20 days.

While an applicant can still apply to the ACT Civil and Administrative Appeals Tribunal for a reviewable decision the addition of this clause provides an alternative avenue and is likely to reduce the likelihood of this happening, thus reducing the administrative burden on the tribunal as well as the applicant.

MR MILLIGAN (Yerrabi) (4.40): I am pleased the government has again agreed to my suggestion on the statement of reasons.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clauses 28 to 30, by leave, taken together and agreed to.

Clause 31.

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) (4.41): I move amendment No 5 circulated in my name [*see schedule 2 at page 1221*]. The government has taken on board feedback from the opposition, which is reflected in our proposed amendment to this clause. This amendment establishes an internal review mechanism for registered contestants to submit additional information to the controlled sports registrar to reconsider a decision not to grant registration renewal. The registrar must then reconsider the application and provide a decision within 20 working days.

While an applicant can still apply to the ACT Civil and Administrative Appeals Tribunal for a reviewable decision the addition of this clause provides an alternative avenue and is likely to reduce the likelihood of this happening, thus reducing the administrative burden on the tribunal as well as the applicant.

As with other sections of the bill the amendment now also includes the subclause regarding the disclosure of security sensitive information, thus sections 84 and 85 apply regarding an ACAT or court review decision and on security sensitive information and the handling of this information in order to protect the integrity of law enforcement intelligence and not impact on larger intelligence operations. An explanation of the application of clauses relating to security sensitive information has been explored in detail in the explanatory statement.

Amendment agreed to.

Clause 31, as amended, agreed to.

Clause 32.

MR MILLIGAN (Yerrabi) (4.42): I move amendment No 13 circulated in my name [*see schedule 3 at page 1222*]. Once again this change is intended to provide applicants with sufficient time to gather evidence and supporting documentation. Again I am pleased that the government has agreed to this amendment.

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) (4.43): The government supports this amendment along with previous amendments allowing 20 working days for contestants to submit information.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clauses 33 to 60, by leave, taken together and agreed to.

Clause 61.

MR MILLIGAN (Yerrabi) (4.44), by leave: I move amendments Nos 17 and 18 circulated in my name together [*see schedule 3 at page 1222*]. Unfortunately, this is another area where we could not find common ground. My intention is to exclude both events conducted by local clubs and low-risk activity. As it stands, non-registerable events have an administration burden and it is unfair to hinder local sporting groups and industry stakeholders from conducting their sport and recreation interests. Sadly, the government does not trust local businesses or sporting clubs and therefore have indicated they will not support this amendment.

I remain hopeful that the regulations will provide further clarity on this issue and that the process of applying for exemptions is not too much of a burden for local businesses and grassroots sport.

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) (4.45): The government will not support these two amendments. In relation to the inclusion of local clubs the amendment as proposed would exclude the majority of sporting organisations from any notification requirements for non-registerable events, potentially impacting on the safety of contestants in the sector as the government would have no recourse to require compliance to the code of practice, any prescribed minimum age or minimum standards established, including through the inspection of events.

Whilst the government has sought in drafting this bill to minimise the compliance burden for these organisations we have prioritised safety and extending it to all those hosting contest events in combat sports. I note for local clubs affiliated with an approved controlled sports authority and hosting non-commercial events that their events will typically be non-registerable and thus require a notification only. I estimate that this process will take as little as one hour of their time to complete, yet this information is invaluable to ensuring the improved safety of these events and identifying the issues before they eventuate. This is about ensuring that these environments are well governed and sanctioned by an appropriate authority.

In relation to defining “low-risk activity”, organisations can already apply to be exempt for light contact combat sports under section 8 of the bill. That exemption under section 8 will be valid for three years. Defining “low-risk activity” will undermine the light contact provisions already in the bill by essentially addressing the same issues.

MR RATTENBURY (Kurrajong) (4.47): As I outlined in my remarks during the in-principle stage of the debate we recognise that there are risks associated with

combat sports and this bill seeks to create the right regulatory environment to ensure that those risks are assessed and, if necessary, addressed. The amendment put forward by Mr Milligan undoes the intent of some of that legislation. Whilst I understand the sentiment he is trying to bring forward he goes too far in seeking to create a degree of exemption that is not consistent with the construction of the rest of the bill. We will not be able to support these amendments.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 9		Noes 12	
Miss C Burch	Ms Lawder	Ms Berry	Ms Orr
Mr Coe	Mr Milligan	Ms J Burch	Mr Pettersson
Mrs Dunne	Mr Wall	Ms Cheyne	Mr Ramsay
Mr Hanson		Ms Cody	Mr Rattenbury
Mrs Jones		Mr Gentleman	Mr Steel
Mrs Kikkert		Ms Le Couteur	Ms Stephen-Smith

Amendments negatived.

Clause 61 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Retirement Villages Legislation Amendment Bill 2018

Debate resumed from 29 November 2018, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

MS LAWDER (Brindabella) (4.52): I rise today to address the government's Retirement Villages Legislation Amendment Bill 2018 and to indicate our general support for this bill. The bill implements a second tranche of recommendations which were made as a result of the extensive 2015-16 review of the Retirement Villages Act 2012. With extensive previous ACT reviews, I can see that debate on this bill has been delayed for some time, partly because of ongoing discussion, debate and concern amongst residents and members of the public about the capital maintenance guidelines. I am pleased that there has been quite an extensive consultation process, from what I have heard from stakeholders.

From the perspective of the stakeholders, the definition of capital maintenance and capital replacement in retirement villages was one of the key points to address, and to address satisfactorily. Residents fund capital maintenance through recurrent charges, while capital replacement is the responsibility of the owner. The bill attempts to

define capital maintenance and capital replacement and creates a guidelines-making power which will allow the minister to make provision about the classification of, including the distinction between, capital maintenance and capital replacement.

The bill provides that, where multiple persons reside in a unit, only one person may vote on matters which require the operator to obtain the consent of residents, for example, annual budgets. This deals with the concern about an inequitable distribution of voting rights between sole occupiers and multiple occupants. However, individual retirement villages may vote by special resolution to move to a voting model of one vote per person.

There is still an optional conciliation process for residents of retirement villages seeking to resolve disputes with enforceable orders similar to ACAT. Other elements in the bill include contract of sale requirements for the sale of units in retirement villages, new consumer protection, time frames in which an operator must give notice to residents of an amendment to recurrent charges, and updated terminology. It streamlines administrative and budget processes for unit titled retirement villages.

I have had quite a bit of contact with and representation from individual residents, representatives of individual units, and organisations representing multiple complexes. One of the things that I think could be addressed in future iterations of the bill is about plain English.

There has been a difference of opinion between different individuals and groups, some of which has been based on perceived differences as to the best strategy to achieve improvements. There is a perception by some residents that the new provisions for the classification of capital maintenance and capital replacement are still not satisfactory. They would prefer to see the definitions in law and would like the bill to be rejected. In the end, I feel it is an issue of an equitable balance between the interests of owners and those of residents. The bill does move this difficult area forward. There is some Assembly oversight of the ministerial guidelines on capital and maintenance guidelines, which will be notifiable instruments.

The Retirement Village Residents Association have been involved in consultation and have indicated to me their general and overall satisfaction with the bill that we are looking at today. I commend the Retirement Village Residents Association for their work for quite some time on the stakeholder consultation group for this bill, especially, but not limited to, Alistair Christie and Pam Graudenz, who I know have put in many hours of work. In future iterations the different treatment of tenants and residents may need to be addressed, as indicated to me by some stakeholders.

We have a position of support, perhaps cautious support. We acknowledge that for some individuals there is remaining dissatisfaction. Of course, as with any bill passed in this area in this Assembly, we will maintain a keen interest in the effectiveness of the new provisions. It is likely that the act may undergo further revision as the impacts of the current changes are felt.

I thank the minister's office and the directorate for their briefing on this area, and all of the organisations and people who provided feedback to the directorate and to me on

the consultation process on this bill, and I thank Neil in my office for the work that he has put into it. Despite some perhaps minor comments in this area, we support the passing of this bill today.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.58), in reply: I thank Ms Lawder for her observations on the bill. The ACT has over 30 retirement villages, so it is vital that our law provides sufficient protection for residents and clear guidance for operators.

As I said when I presented this bill, this legislation is a true collaborative effort. I again thank all the members of the retirement villages review advisory group, who have generously volunteered their time and expertise in developing the bill. The review advisory group is a body of key stakeholders, including the Retirement Village Residents Association, the ACT Property Council retirement living committee, the Council on the Ageing and the ACT Law Society's elder law committee. I also thank the residents and operators of ACT retirement villages, who have provided invaluable feedback on the proposed amendments, including those from the ACT's two unit title retirement villages, Araluen lifestyle village and Ridgecrest retirement village.

I will take this opportunity to provide a brief history of the Retirement Villages Act 2012. The act began regulating the territory's retirement villages in 2013. Before the act, retirement villages were governed by the former retirement villages industry code of practice, which was made under the Fair Trading Act 1992.

The Retirement Villages Act required that I review the act as soon as possible after its first two years of operation. Consultation on this review began in 2015, with a report on the review tabled in the Assembly in 2016. The review found that the act was generally working well but made a number of recommendations for improvement. The review report included first and second tranche recommendations.

The Assembly passed amendments in 2016 to give effect to the first tranche of recommendations. These included a new internal dispute resolution process for retirement villages, and requirements for operators to be more transparent about villages' fees and services and to seek the consent of residents for all proposed budget spending.

This bill amends The Retirement Villages Act and related legislation to give effect to the second tranche of recommendations. This bill also responds to the concerning reports of misconduct in retirement villages that were the subject of *Four Corners* and Fairfax media coverage in 2017. It does this by introducing a new enforceable conciliation process for resident complaints against operators.

The new enforceable conciliation process provides another avenue for residents who are seeking to resolve disputes with operators of retirement villages. The bill amends the Human Rights Commission Act 2005 to allow complaints to be progressed through the Human Rights Commission. The commission will try to resolve the complaint through conciliation. If the complaint is resolved, the parties will make a

written agreement. The Human Rights Commission will provide a written record of the agreement to the Civil and Administrative Tribunal. The terms of the agreement are then enforceable as an order of the tribunal.

The purpose of this change is to provide more options for residents. Under the current legislation, residents may choose to raise disputes with the retirement village's own internal dispute committee. Residents may also apply directly to ACAT for dispute resolution. The new process will complement rather than replace these options.

The bill also makes important changes to the voting arrangements in the Retirement Villages Act. Under the former code of practice, residents voted on a one vote per unit basis. The Retirement Villages Act changed this to one vote per person. During consultation the government heard different views on the voting issue, with some submissions favouring one vote per person and others suggesting a change to one vote per unit. The bill reaches what we consider to be an appropriate compromise by changing the default arrangement to one vote per unit. This is considered fairer in those villages where single people make equal financial contributions but receive a lesser voting share than a couple on the one vote per person basis. However, the bill also caters for villages in which residents prefer to have one vote per person. Village residents can restore the voting arrangement of one vote per person by passing a special resolution for any given matter.

When it comes to unit title villages, the bill streamlines the legislative framework applicable to them. As I said earlier, there are two unit title villages in the ACT. These villages are regulated by both the Retirement Villages Act and the Unit Titles (Management) Act 2011 and are subject to overlapping and duplicative requirements. For example, each requires separate committees of residents. Residents must also attend multiple meetings under each act but often consider the same issues and information. The current legislation does not allow these meetings to be combined. The bill proposes amendments that will make life easier for residents of these villages.

The executive committee of the owners corporation for a unit title retirement village will also serve as the residents committee under the Retirement Villages Act. The bill streamlines administrative and budgetary processes for unit title villages so that residents may receive and consider this information at the same time rather than in separate meetings. The bill also updates quorum requirements and requires voting in unit title villages to follow the process in the Unit Titles (Management) Act.

The bill will also reduce the cost burden of selling a unit in a unit title retirement village. Because the Civil Law (Sale of Residential Property) Act 2003 applies to the sale of these units, the seller is required to make certain reports available to the buyer, such as building reports. Residents and operators of unit title retirement villages have observed reports going stale before a buyer is found. This creates a cost burden for the seller, who may need to order multiple versions of the same report.

The bill amends the contract of sale requirements for unit title retirement villages to reduce this cost burden. It provides for sellers to prepare a full contract of sale once they have identified a buyer for their property. Time-sensitive and cost-sensitive documents, including the building and compliance inspection report, pest inspection

report, lease conveyancing inquiry documents and energy efficiency rating statement will not need to be prepared until later in the process. Sellers are still obliged to do their due diligence, and buyers remain protected. The seller must make the latest stage documents available to the buyer no later than 14 days before the contract of sale is agreed.

As Ms Lawder has touched on, the bill also changes the definitions of capital maintenance and replacement. This issue featured prominently in the review. The government received multiple submissions seeking clarification of the terms “capital maintenance” and “capital replacement”. This issue also arose in a 2017 inquiry into the New South Wales retirement village sector conducted by Kathryn Greiner AO. This inquiry found that more clarity was needed on funding arrangements for ongoing maintenance costs in retirement villages.

Under The Retirement Villages Act here in the territory, residents fund the maintenance of capital items through their recurrent charges, while operators fund the replacement of capital items. The distinction between the two concepts has led to disputes between residents and operators, and different villages interpret these terms differently. It is clear that the status quo is not acceptable. Residents and operators need certainty and consistency about who pays for what.

As I said when I introduced this bill, the devil is in the detail. The review advisory group and my directorate have considered this issue thoroughly. The government has conducted targeted consultation in requirement villages and considered a range of different scenarios. This bill is a result of that consideration. The bill makes two key improvements to capital maintenance and replacement.

First, the bill amends the definitions in the act. The definition of “capital item” is amended to clarify that a capital item includes any part of the item. The bill also amends the definition of “capital replacement” so that it does not include replacing a part of a capital item unless replacing the part substantially improves, adds to or alters the item. The effect of these amendments is that the definitions in the bill now recognise that the distinction between replacement and maintenance is one of fact and degree. Where a component is being replaced, whether this constitutes maintenance of the item or replacement of the item, depends on how integral the component part is to the item as a whole. This approach aligns with current case law on capital maintenance and replacement.

The second improvement in the bill is the creation of a guideline-making power. The bill provides for the minister to make guidelines about capital maintenance and replacement by signing a notifiable instrument. Our consultation has confirmed that residents and operators want the legislation to give more detail about particular scenarios for capital items, for example, whether replacing an element in your stove is capital maintenance or capital replacement. It is not practical to use an act to spell out every possible scenario. However, guidelines offer the flexibility to provide this level of detail and allow the government to move quickly to update these laws when necessary.

These guidelines cannot be finally made by me unless and until the bill is passed. However, because of the strong interest in this aspect of the bill, I have arranged for the draft guidelines to be made public in advance of today's debate. They provide examples of commonly encountered capital maintenance and capital replacement issues to assist residents, village operators and other industry participants. To mention just a few examples, the draft guidelines deal with how to classify certain types of repairs to the village bus, swimming pools, gardens, kitchen equipment, furniture and floorcoverings.

I understand that the division of cost between residents and operators on capital maintenance and replacement is a significant issue and that some people have strong views about it. The bill does not make fundamental changes to the funding model for retirement villages. That was never its aim. The bill does make changes to improve the operation of the existing provisions and, in particular, to reduce the current levels of uncertainty about the difference between capital maintenance and replacement. While there may continue to be some different views, I am confident that we have heard, understood and, as far as possible, addressed the concerns in the community about these amendments. As I said before, doing nothing in this space was simply not an option.

I am pleased to note that the approach that the bill takes has the support of the Retirement Village Residents Association, who have worked tirelessly with my directorate to support the development of this solution. Like Ms Lawder, I particularly note the work of Pamela Graudenz and Alistair Christie. I thank them for their efforts to help us find a way through what has been an at times challenging discussion but one on which it is nonetheless very important to get the best outcome we can. I believe that the bill and the draft guidelines are fair and balanced and will assist residents and operators to understand their respective rights and obligations.

As I said at the outset, this bill is the culmination of a collaborative effort over several years between the government and the people who live and work in our retirement villages in the territory. It is part of the government's ongoing commitment to ensuring that everyone has access to secure housing that meets their needs and strengthens their sense of community. I am pleased to 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.

Organ donation

MS CHEYNE (Ginninderra) (5.11): I rise today to tell you about two remarkable people who tragically died last year, Rob and Emma. It is a great privilege and an honour to speak about who they were and their legacy. Rob was born in 1965 and grew up in Cootamundra. He was a school captain in both primary and high schools, with fiercely loyal friends. As you will hear, Rob is remembered for many things but his running ability was one of those things that stood out throughout his life and first became obvious in school. He held New South Wales state titles for the 1,500 and 3,000 metres and still holds the under-16s combined high school record for the 1,500 metres. He was offered a place at the AIS twice but turned the opportunities down because running was for his enjoyment.

Following his graduation from Sydney University in 1989 Rob joined the Australian Federal Police. It is understood that he still holds the record time for the 2.4-kilometre run of six minutes and 49 seconds. For much of his career in Canberra he was stationed at Belconnen police station and in the early years could be spotted with his sidekick, Constable Kenny.

During his career he was awarded the National Police Service Medal, the National Medal, the Commissioner's Group Citation for Conspicuous Conduct and the Australian Federal Police Service Medal with a 25-year clasp. The only criticism he received as a police officer was from one of his superintendents who advised him to get a bit of mongrel in him.

You probably have a sense now, Madam Speaker, that Rob excelled at anything he put his mind to. He was a sports fanatic and a valued trivia team member across almost every knowledge field. But two loves came together when he appeared on the televised sports trivia competition *Head 2 Head* in 2006 and won.

Despite all of Rob's achievements, he is remembered by all as a deeply humble man. This is in addition to being remembered as kind and patient, a loyal and generous friend and a man of integrity and of deep Christian faith. But he is most remembered for being loving and for being so loved. He is deeply missed.

Emma was born in Canberra in 1994. She was naturally gifted at some sports, competing at the ACT state championships for both swimming and high jump, with zero training. It was during school she emerged as a talented artist with a creative gift for visual art, exploring all mediums but being happiest sketching, having the images in her mind realised. Some of her work was selected to be displayed at the National Portrait Gallery, again underlining her creative talent.

Emma lived with a mental illness, which became apparent during her later years at school. She was supported by her loving family, who stood by her always, and a large network of loyal friends. The relationships she created and shared were meaningful and deeply felt, particularly with her sister Lauren. In addition to the lasting, treasured impact of her art, Emma is remembered for being kind, warm, wickedly funny, intelligent and compassionate. She too was loving and is so loved.

Rob and Emma are father and daughter and, on their passing, Rob and Emma donated their organs. Of all the contributions we can make, perhaps one of the most, if not the most, generous is donating organs in the rare circumstances where it is possible. For both Rob and Emma, it was possible and for Rob and Emma's family, Jacqui, Joel and Lauren—Jacqui and Lauren who are here today—the decision was easy. In Jacqui's words, Rob and Emma were loving, compassionate and giving people and it also simply made good sense to donate their organs.

Knowing and learning more about Rob and Emma, I get the sense that they would be embarrassed to be acknowledged so publicly but would also want the conversation about organ donation to be a loud one. The reality is that organ donation does not make you miss a loved one any less. It does not take the hurt or the grief away. But it does save the lives of others and, in doing so, it honours the people who were generous and giving in their lives with the legacy of being generous and giving, like the life of Rob Caskie and like the life of Emma Caskie. Rest in peace.

World Autism Awareness Day

MS LE COUTEUR (Murrumbidgee) (5.16): I rise today to talk about World Autism Awareness Day because it is today. It is also Go Yellow Day which raises awareness of females with autism. If I actually had any yellow clothing, which I do not, I would have worn some today.

I note that autism is not a disease or a psychological issue and it cannot be cured any more than someone with long arms or of extreme height or short height can be cured. It is a neurological development condition that means that some people's brains develop differently from others—some parts slower, some parts faster—and it affects every person differently. For example, some have low IQ, some have high IQ. Some may have language delays and some may already be reading by preschool age.

Autism is a spectrum, not a linear scale, which is one of the biggest misconceptions about autism. People are not more or less autistic than others; they simply have higher or lower functioning. People are autistic in different ways and may have different support needs or none at all. They simply see and understand and interact with the world differently.

It is most often identifiable by the different ways a person with autism may focus or give attention to something, having reactions to sensory input—such as an aversion to loud noise or bright lights—or the way a person thinks or processes information. For example, a person with autism is less likely to understand nuances in communication, tending to interpret the world very literally. These features simply mean that they connect with the world and words differently to neurotypical people.

From a young age, society teaches us all that to be different is a bad thing, and so many people with autism learn to hide their true selves, for fear of exclusion or discrimination. They mask and camouflage themselves in order to pass. This does not mean that people like this are no longer autistic; it means that they do not allow others to see their true selves. Some of them try to explain their differences only to find that they are not believed.

We must remember that people with autism are not all the same as each other. They are an incredibly diverse community. What binds them is the experience of being the odd one out. They are all ages and every gender, in every culture and in every profession.

Ultimately, every person's brain is wired differently. These ones are not broken; they are simply different. Some everyday tasks may be difficult but many other things may not be; many other things may be a lot easier. We need to leave them be and to love them for who they are.

We should remember that being different is not always easy. People get bullied, left out and picked on but we can make a difference by engaging with people with autism, interacting with them and asking them to join in, or even letting them sit on the sidelines without judgement and expectation of their joining in because they are not comfortable doing so. We know that boys are far more likely than girls to be diagnosed with autism, although there is a debate as to whether or not its prevalence is higher in boys than in girls. We do know, however, that girls are better at hiding it.

The current obstacles facing girls and boys with autism are many and varied but they can be overcome with deeper knowledge, more effective support systems, open and honest communications between schools and families and strategies that encourage families and schools to work together towards positive outcomes because having a positive, validating, educational experience can help provide the foundations for them and, of course, all of us to thrive. And this is something that we must get better at.

Canberra Police Community Youth Club

MRS KIKKERT (Ginninderra) (5.20): The Canberra Police Community Youth Club, PCYC, provides services for young people and their families across the ACT. They currently run recreation-based early intervention programs, such as Project Booyah, which incorporate adventure-based learning with social development, skills training, mentoring, caseworker literacy and numeracy education, and vocational qualifications. The club also provides crime prevention and reduction programs and youth crime diversion programs for vulnerable young people.

I rise today to thank executive manager Cheryl O'Donnell and her capable and enthusiastic staff for all that they do to help young people in our community. I have frequently been a guest at the PCYC and have seen firsthand the innovative and caring ways they work with youth to help them get their lives back on track. For example, 80 per cent of those who complete the Project Booyah program do not reoffend.

This program receives funding from the commonwealth government. As announced by Senator Seselja last week, it has been awarded enough money to run again in 2019. Many other PCYC programs, however, are partially or fully dependent on funds that can be raised locally. So when Cheryl asked me to help with their fundraiser this year, I had to say yes. But, to be perfectly honest, Madam Speaker, it took me a while to say yes.

The fundraiser was called “the PCYC plunge” and it consisted of abseiling down Lovett Tower, currently Canberra’s tallest building. I strongly suspect that there is no one in this chamber who hates heights more than I do. But, as I said, it is impossible to say no to the PCYC and the good things they do. So I signed up. Because I like to share adventures with others, I decided to sponsor two additional participants.

I did this by inviting entrants to describe in 50 words or fewer what they had overcome in their youth that they never thought they could. It was my hope that these contributions would help inspire some of the PCYC youth. I am pleased that selective submissions will be published as a compilation for this purpose.

PCYC staff read all the submissions and then picked two winners to join us on the day for a 93-metre high descent down the tower. One winner was an experienced adrenaline junkie, but, like me, the other winner was terrified of heights. She was there, however, to celebrate a life filled with overcoming challenges. Having been removed from her birth parents, she grew up in a foster family here in ACT. Along the way she had been helped by many others. She brought two of these special people with her to the plunge: the chaplain from her school and a youth worker from Woden Community Service.

I have to admit that when I stood on the top of Lovett Tower and I looked down, I had to remind myself that I was doing this for the kids. Thankfully, I had great support at the top. This gave me the tools needed to successfully complete the abseil. I do not think I have ever been more grateful to find my feet on solid ground, though it took some time for my legs to stop shaking.

Madam Speaker, I am personally grateful to good people like school chaplains and youth workers who help make life easier for young people who find themselves in complicated situations. I am likewise grateful to all the people who donated in support of my plunge and all those who contribute funds to the PCYC to help keep their programs running.

Lastly, I again thank the people at PCYC for all that they do to strengthen our community by caring for and strengthening our youth. Like the support I found on the top of Lovett Tower, the staff at PCYC are there for kids who find themselves facing very difficult challenges in life—abuse, violence, drugs, criminal behaviour and so forth. I encourage all Canberrans to support Canberra PCYC and other organisations engaged in this important work of giving young people the tools they need for life.

Children and young people—out of home care

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) (5.25): Earlier this year I spoke in the Assembly about the study tour I undertook in December. In my report I noted how some of the jurisdictions visited engaged with children and young people to ensure that their voices are heard. This is something I acknowledge we need to continue to improve upon in the ACT.

I committed to improving on how we engage with and listen to children and young people, in particular those in out of home care. In November last year, I was fortunate to meet with a group of young people who are currently in care, or who had been in care, at a youth round table. They came together to discuss their experiences in the care system and to share ideas about how young people can be a bit more involved in decision-making.

In the last session of the day, young people with support shared the themes and priorities they had discussed, not only with me but also with senior staff from child and youth protection services and ACT Together, as well as with the Office of the Public Advocate and the Children and Young People Commissioner.

I am grateful to the young people for sharing their stories. Child and youth protection services and partner agencies work to hear the voices of children every single day, including through the use of Viewpoint and the involvement of children and young people in case planning.

However, the round table provided us with information about how we can empower and support young people to be better involved in the care system. The report from the round table released today emphasises the importance of ensuring that young people have the opportunity to be involved in decisions and understand what is happening in their lives, and why.

Feedback and insights from the youth round table will help to inform and shape future policies and practices. The governance group overseeing the implementation of A step up for our kids is actively considering the findings and recommendations in the report. As a first step, the Community Services Directorate is hosting a series of presentations on the findings with governance groups, child protection staff and executives to consider the feedback and policy implications.

Efforts will be focused on developing strategies and making improvements to our service system to better empower children and young people in care. We are currently refreshing the charter of rights for kids in care and developing new website content in recognition that clear, easily accessible information is a priority for young people.

The findings will also help to inform the rollout of a new client management system to better support children and young people's participation in decision-making. All children and young people have a right to participate in decision-making about their own lives. For children and young people to feel safe and secure, we recognise that they need to know why decisions have been made and what it really means for them. This message was also highlighted last week at the launch of the CREATE report *Out-of-home care in Australia: children and young people's views after 5 years of national standards*.

At the ACT launch it was a privilege to hear the messages of young people in out of home care and to hear from and speak with Dr Joseph McDowall, CREATE executive director of research. In particular, it was a privilege to be able to hear one young person's experience of transitioning to independence and how their understanding and attitude have evolved with the help of the dedicated staff that support them.

The way this young person talked about the relationships they now have with their caseworker and with their Australian Childhood Foundation worker highlighted once again, as I said in my report on my trip, that it is all about relationships. Like the report of the round table, the CREATE report contains insights that also will contribute to our knowledge base and findings that will, of course, challenge how work is done in child and youth protection services.

While the questions and the methodology differ, the results highlight similar issues to those in the AIHW report *The views of children and young people in out-of-home care: Overview of indicator results from the second national survey, 2018*, also released in early March. I would like to thank CREATE for their work, in particular our tireless ACT office of Susan Pellegrino and Nicky Link.

I would also like to acknowledge the young people who participated in the two surveys and the round table, as well as those who shared their views in the talking practice forum last year. Thank you for taking the time to be involved, to share your experiences and to help us build a stronger system to keep young people safe. To those young people, I say that we have heard you and we will continue to work to improve the system that is there to support you.

Madam Speaker, with 30 seconds left I would like briefly to note a significant event this week. For those who may not yet have heard, tomorrow is our colleague Bec Cody's birthday. I wish her all the best for tomorrow. I know that there is nowhere she would rather be than in the chamber with all of us, not drinking cocktails with little umbrellas in them.

Ms Cody's birthday

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) (5.29), in reply: I too rise to talk about the significant event tomorrow, Bec Cody's birthday. We will remind her that it was 14½ years ago that she first came to work for me in this place. Tongue firmly in cheek, happy 21st, Bec, and have a good day.

Question resolved in the affirmative.

The Assembly adjourned at 5.30 pm.

Schedules of amendments

Schedule 1

Financial Management Amendment Bill 2019

Amendments moved by Mr Coe

1

Clause 2

Page 2, line 3—

omit clause 2, substitute

2 Commencement

This Act commences on 1 July 2019.

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

2

Proposed new clause 5A

Page 2, line 16—

insert

5A Assembly to be told about Treasurer's advance New section 18C (2) (aa)

insert

- (aa) for a Treasurer's advance—a statement explaining why—
- (i) the Treasurer's advance was required; and
 - (ii) the amount required for the Treasurer's advance was not provided for by the appropriation for the financial year; and

4

Clause 6

Proposed new section 18G (2) (aa) and (ab)

Page 4, line 26—

insert

- (aa) for a capital works advance—a statement explaining why—
- (i) the capital works advance was required; and
 - (ii) the amount required for the capital works advance was not provided for by the appropriation for the financial year; and
- (ab) for a reduction of the amount of a capital works advance—a statement explaining why—
- (i) the capital works advance was not fully disbursed to the entity; and
 - (ii) the undisbursed amount is no longer required by the entity; and

Schedule 2

Controlled Sports Bill 2018

Amendments moved by the Minister for Sport and Recreation

1**Clause 9**

Page 6, line 1—

*omit clause 9, substitute***9****Meaning of *controlled sports event***

(1) In this Act:

controlled sports event—

- (a) means an event involving a contest or exhibition of a controlled sport; but
- (b) does not include training.

(2) In this section:

training—

- (a) means an activity undertaken by a person to—
 - (i) develop the person's fitness or a skill; or
 - (ii) prepare for a contest; and
- (b) includes sparring, other than at a contest.

2**Clause 18 (4)**

Page 17, line 25—

omit clause 18 (4), substitute

(4) The registrar must, in writing—

- (a) tell the applicant the registrar's decision under subsection (3); and
- (b) for a decision under subsection (3) (b)—
 - (i) set out the reasons for the decision; and
 - (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to register the applicant (see s 82).

(4A) If the applicant gives the registrar additional information or documents under subsection (4) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—

- (a) reconsider the decision; and
- (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
- (c) tell the applicant, in writing, the registrar's decision; and
- (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar's decision to refuse to register an applicant is a reviewable decision (see s 81).

3**Clause 22 (6)**

Page 20, line 6—

omit clause 22 (6), substitute

- (6) The registrar must, in writing—
- (a) tell the applicant the registrar’s decision under subsection (5); and
 - (b) for a decision under subsection (5) (b)—
 - (i) set out the reasons for the decision; and
 - (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to renew the applicant’s registration (see s 82).

- (7) If the applicant gives the registrar additional information or documents under subsection (6) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—
- (a) reconsider the decision; and
 - (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
 - (c) tell the applicant, in writing, the registrar’s decision; and
 - (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar’s decision to refuse to renew an official’s registration is a reviewable decision (see s 81).

- (8) The registrar is not required under this Act or any other territory law to give reasons for the registrar’s decision to the extent that giving those reasons would disclose security sensitive information.

Note 1 **Security sensitive information**—see the dictionary.

Note 2 If the registrar does not give reasons for the registrar’s decision under s (8), and a person applies to the ACAT or the court for review of the registrar’s decision, the registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information (see s 84).

4

Clause 27 (4)

Page 26, line 14—

omit clause 27 (4), substitute

- (4) The registrar must, in writing—
- (a) tell the applicant the registrar’s decision under subsection (3); and
 - (b) for a decision under subsection (3) (b)—
 - (i) set out the reasons for the decision; and
 - (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to register the applicant (see s 82).

- (4A) If the applicant gives the registrar additional information or documents under subsection (4) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—
- (a) reconsider the decision; and

- (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
- (c) tell the applicant, in writing, the registrar’s decision; and
- (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar’s decision to refuse to register an applicant is a reviewable decision (see s 81).

5

Clause 31 (6)

Page 30, line 1—

omit clause 31 (6), substitute

- (6) The registrar must, in writing—
 - (a) tell the applicant the registrar’s decision under subsection (5); and
 - (b) for a decision under subsection (5) (b)—
 - (i) set out the reasons for the decision; and
 - (ii) state that the applicant may, within 20 working days after the day the registrar tells the applicant the decision, give additional information or documents to support the application.

Note The registrar must also give the applicant a reviewable decision notice in relation to the decision to refuse to renew the applicant’s registration (see s 82).

- (7) If the applicant gives the registrar additional information or documents under subsection (6) (b) (ii), the registrar must, within 20 working days after receiving the information or documents—
 - (a) reconsider the decision; and
 - (b) either—
 - (i) register the applicant; or
 - (ii) refuse to register the applicant; and
 - (c) tell the applicant, in writing, the registrar’s decision; and
 - (d) if the registrar refuses to register the applicant—set out the reasons for the decision.

Note The registrar’s decision to refuse to renew a contestant’s registration is a reviewable decision (see s 81).

- (8) The registrar is not required under this Act or any other territory law to give reasons for the registrar’s decision to the extent that giving those reasons would disclose security sensitive information.

Note 1 **Security sensitive information**—see the dictionary.

Note 2 If the registrar does not give reasons for the registrar’s decision under s (8), and a person applies to the ACAT or the court for review of the registrar’s decision, the registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information (see s 84).

Schedule 3

Controlled Sports Bill 2018

Amendments moved by Mr Milligan

2

Clause 10 (5), definition of *commercial purpose*
Page 7, line 1—

omit the definition, substitute

commercial purpose, in relation to an event, means holding the event as part of a business or otherwise with the intention of directly or indirectly making a profit that will not be reinvested in the entity.

7

Clause 23 (3) (b)
Page 21, line 13—

omit

10 working days

substitute

20 working days (the ***20-day period***)

13

Clause 32 (4) (b)
Page 31, line 10—

omit

10 working days

substitute

20 working days (the ***20-day period***)

17

Clause 61 (2)
Page 49, line 12—

omit clause 61 (2), substitute

(2) However, this division does not apply to an event—

(a) conducted by a local club; or

(b) that is a low risk activity; or

(c) declared by the Minister not to be a registrable event under section 10 (2).

Note ***Registrable event***—see s 10.

18

Clause 61 (3), proposed new definitions of *local club* and *low risk activity*
Page 49, line 25—

insert

local club means an organisation—

(a) that—

(i) is established for the sole purpose of conducting sports training and skills-based competitions; or

(ii) operates under the rules of, and is sanctioned by, an authorised controlled sports body; and

- (b) that holds insurance to cover its liability to participants and visitors.

low risk activity means—

- (a) a combat sport that involves only light contact and conducted solely to determine a person's proficiency in the sport; or
 - (b) a combat sport for which the rules state that a participant is penalised if the person strikes, kicks, hits, grapples with, throws or punches in a way that does not involve light contact with another person; or
 - (c) a combat sport for which the rules—
 - (i) do not allow contact to be made to the head of a participant; and
 - (ii) require all strike zones on a participant's body to be fully protected using protective material; or
 - (d) a combat sport that—
 - (i) involves only limited physical contact between participants; and
 - (ii) is conducted only to demonstrate moves of strikes, kicks, hits, grapples, throws or punches in a predominantly artistic context, with or without a weapon; or
 - (e) wrestling conducted solely for theatrical or humorous entertainment.
-