



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

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## Wednesday, 14 August 2019

Petitions—ministerial responses:	
Students with learning difficulties—petition 13-19 .....	2839
Restoration of Belconnen bus services—petitions 9-19 and 12-19 .....	2849
Motion to take note of response .....	2850
Planning and Development (Controlled Activities) Amendment Bill 2019 .....	2852
Hydrotherapy services in south Canberra .....	2855
National disability insurance scheme—personal services .....	2874
Questions without notice:	
Chief Minister, Treasury and Economic Development Directorate— health unit .....	2886
Disability—access .....	2886
Municipal services—tree removal .....	2887
Government—support for environment groups .....	2888
Budget—Aboriginal and Torres Strait Islander services .....	2889
Light rail—certification .....	2890
Arts—government investment .....	2891
Visitors .....	2892
Questions without notice:	
Arts—government investment .....	2892
Transport Canberra—weekend bus services .....	2893
Municipal services—footpaths .....	2895
Chief Minister—award grants .....	2896
Children and young people—care and protection .....	2897
Children and young people—care and protection .....	2898
Children and young people—care and protection .....	2900
Municipal services—community facilities .....	2902
Children and young people—care and protection .....	2903
Sport—female participation .....	2905
Supplementary answer to question without notice:	
Disability—access .....	2907
Sub judice convention and continuing resolution 10 .....	2907
National disability insurance scheme—personal services .....	2911
Transport Canberra—weekend bus service cancellations .....	2916
Tuggeranong—public amenity .....	2927
Light rail—extension of service .....	2943
Adjournment:	
CMAG Nolan exhibition .....	2955
Environment—Giralang and Kaleen .....	2956
Breastmilk bank .....	2957

## **Wednesday, 14 August 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.

### **Petitions—ministerial responses**

The following responses to petitions have been lodged:

#### **Students with learning difficulties—petition 13-19**

By **Ms Berry**, Minister for Education and Early Childhood Development, dated Tuesday, 13 August 2019, in response to a petition lodged by Ms Lee on Thursday, 16 May 2019 concerning support for students with learning difficulties.

*The response read as follows:*

#### **RESPONSE TO PETITION NO: 013-19 SUPPORT FOR STUDENTS WITH LEARNING DIFFICULTIES**

##### **Introduction**

The ACT Government is strongly committed to meeting the learning needs of all students and giving children and young people the very best chance to reach their potential. This is clearly articulated in two key foundations of the Future of Education Strategy:

- placing students at the centre; and
- Empowering teachers, school leaders and other professionals to thrive in a career of learning which meets the needs of all students.

The topic of best practice support and interventions for students with learning difficulties is highly contested and divided. Extensive debate over many years has often centred on schools' approaches to literacy instruction more broadly and is typically polarised around phonics instruction (the relationships between patterns of letters or graphemes and patterns of sound and phonemes). The debate in 2019 is not about phonics or no phonics in the teaching of reading and writing, but rather around the degree of emphasis of phonics in instruction and resources used to teach it. This has resulted in strong advocacy from stakeholders on both sides of the argument as evidenced by the current debate in relation to the Commonwealth Government's proposal to introduce a national year one phonics screening check. In the ACT, the Education Directorate's approach is to provide balanced literacy instruction to all students that recognises phonics as an essential component in building students' literacy skills but allows schools to draw on a range of strategies to teach reading.

Despite this debate there is broad agreement on the elements required to support improved outcomes for students with learning difficulties. This includes high

quality teacher education, ongoing professional development for schools, early identification (including by teachers), assessment (by trained professionals such as psychologists) and evidence-based interventions by all stakeholders invested in the child's learning. Petition No 13-19, lodged in the ACT Legislative Assembly on 16 May 2019 by Ms Elizabeth Lee MLA, makes reference to each of these important elements.

The ACT Government strongly refutes the Petitioners' suggestion that in 2019, students with learning difficulties are disadvantaged and do not have access to evidence-based literacy instruction, identification and interventions. The Education Directorate adopts a multifaceted approach to supporting students with learning difficulties that encompasses:

- Evidence-based literacy instruction, including ongoing professional development for educators and schools;
- Early identification of students with reading difficulties; and
- Support for students with reading difficulties, including access to educational psychologists and literacy specialists.

This approach has been informed by the valuable work commenced in 2014 in response to the Learning Difficulties Taskforce. Implementation of the Taskforce's recommendations led to the development of extensive resources and professional learning to promote understanding and awareness of Learning Difficulties and build capacity of schools to support students with Learning Difficulties, including students with a diagnosis of dyslexia. The strong foundation established through this work has been reinforced by the broad-ranging reforms stemming from the Schools for All program of cultural change focused on placing students with complex needs at the centre of their learning.

For example, funding provided in the 2016-17 ACT Budget enabled recruitment of an additional 26 full time staff to be engaged to deliver services, training and resources to support long-term educational outcomes for these students, and all students in ACT public schools. This led to an increase in the number of school psychologists and strengthening of the Network Student Engagement Team (NSET) through the addition of Allied Health workers including Speech-Language Pathologists. This has meant an expansion in universal supports available to schools, through professional learning packages designed for teachers and schools. NSET Allied Health workers also respond to schools' requests for support for individual students and are involved in consultations, observations, assessments, and providing support for schools around students' needs. NSET also includes two dedicated Inclusion Officers in each of the four networks, who provide specialised expertise to assist schools to meet the educational needs and wellbeing of students with disability (including students with learning difficulties).

The Schools for All program also included a strong focus on building capacity of teachers and learning support assistants to effectively support students with complex needs. This created extensive opportunities for school staff to build their awareness, understanding and skills in relation to supporting students with learning difficulties through relevant online and face to face professional learning. In 2018, 731 staff members engaged in the Online Training course "Understanding Dyslexia and Significant Difficulties in Reading" and 394 staff

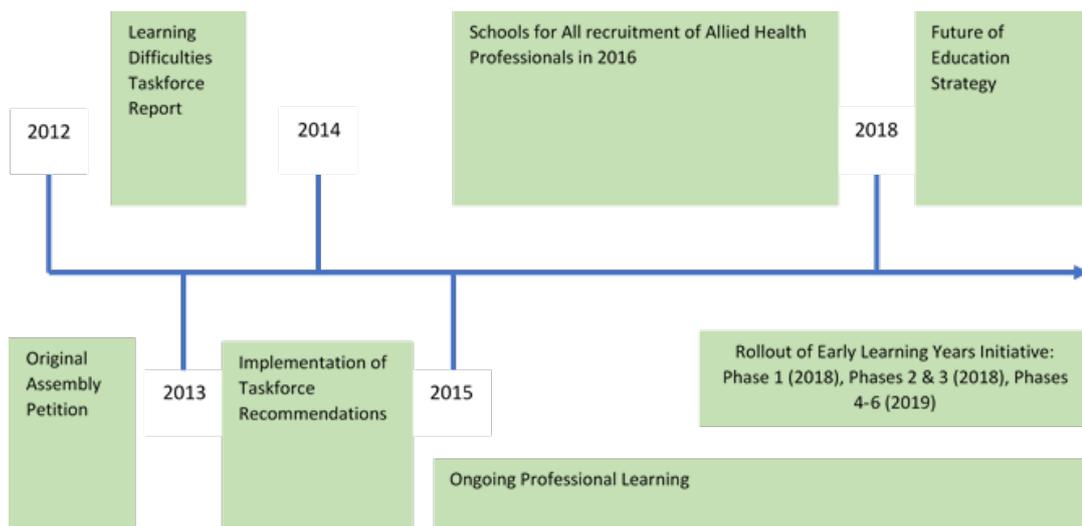
members engaged in the “Inclusion of learners with Speech, Language and Communication needs” course. Training recipients were primarily teachers in mainstream settings, along with a mix of specialist teachers, allied health officers, learning support assistants, school leaders and pre-service teachers.

Following on from the Schools for All program, the ACT Education Directorate continues to demonstrate a strong commitment to literacy outcomes through ongoing professional learning on evidence-based literacy pedagogies available for all teachers and implementation of the Early Years Literacy Initiative (EYLI). This initiative was launched as a pilot with seven schools to focus on developing students’ essential foundational skills in literacy across preschool to year 2 and has been significantly expanded. Across preschool to year 2 the EYLI is currently supporting 51 schools with 50 coaches, reaching 459 teachers, 153 school leaders and 8,568 students. Overall, the EYLI has also provided universal professional learning to 960 teachers in 2018 and 450 teachers in semester 1 2019.

The EYLI, which is continuing in 2019, is playing a critical role in strengthening teachers’ knowledge, understanding and capacity to implement 10 essential instructional literacy practices in the early years. As the Education Directorate moves to implementation of the first phase of the Future of Education Strategy, this work will be complemented by pedagogy and curriculum activities that support increased personalised learning for students. For students with learning difficulties, this will support improved learning outcomes through ensuring objectives, approaches, content and tools are tailored and optimised for each learner.

This response provides a detailed overview of the Directorate’s approach and demonstrates the sustained focus on meeting the needs of students with learning difficulties since the Learning Difficulties Taskforce was established in 2013. Figure 1 captures the key activities since 2012 that support an ongoing focus on meeting the needs of students with learning difficulties.

Figure 1: Timeline of activity



### **Learning difficulties and dyslexia – description and prevalence**

Dyslexia is a brain-based learning condition with a strong genetic component that typically results from a deficit in the phonological component of language. Phonological awareness is the ability to hear sounds that make up words in spoken language. Dyslexia is often not related to the cognitive abilities of a person.

Dyslexia is a term often used in the community to describe difficulties with reading. Clinicians use the term ‘dyslexia’ to describe a specific learning difficulty in the area of reading, which is associated with a variety of causes and symptoms. Diagnosing dyslexia requires evidence of at least six months of targeted reading interventions, significant delay in reading compared to peers and the ruling out of other factors, such as an intellectual disability or sensory impairments (needs glasses or hearing aids).

Students with dyslexia may struggle with accurate and/or fluent word recognition and have poor spelling and decoding abilities. Unlike their peers, these difficulties do not diminish with maturity or through continual practice with reading.

Teaching students with dyslexia requires individualised/specialised or alternative approaches. Students with dyslexia have unique learning profiles and can have mild to significant learning needs depending on the severity of the condition. Strategies that work for one student may not work for another student.

Dyslexia can result in poor literacy development, which in turn can limit an individual’s capacity to engage in learning. Poor literacy can lead to undesirable outcomes including: low self-esteem, social, emotional and behavioural problems and disengagement from education.

In Australia, the terms ‘Specific/Significant Learning Difficulty/Disability’ and ‘Learning Difficulty’ are used interchangeably and as an umbrella term for a variety of learning difficulties that may or may not be dyslexia.

Due to the inconsistent use of terminology, it is difficult to estimate the prevalence of dyslexia. It can also be difficult to differentiate between dyslexia, other learning difficulties and the risk factors that may impact learning to read, such as teaching that has not been targeted to meet the needs of the individual child; developmental trauma; lack of early exposure to reading; disadvantageous socio-economic circumstances; or a mix of these factors.

The Australian Dyslexia Association estimates that approximately 10 percent of the Australian population is affected by dyslexia. There are no figures available on the prevalence of dyslexia in the ACT.

### **Learning Difficulties Taskforce**

On 21 August 2012 a petition was tabled in the ACT Legislative Assembly calling for the Assembly to recognise Dyslexia as a ‘learning disability’ and enable assistance to be given to schools to effectively support dyslexic students. This resulted in the establishment of a Taskforce on Students with Learning

Difficulties to provide recommendations for classroom level intervention, and support for children and young people in ACT public schools who have learning difficulties. The Taskforce provided a final report to the then ACT Minister for Education and Training, Ms Joy Burch in July 2013, identifying fourteen strategies under three key themes:

- A consistent systemic approach to maximise specific learning outcomes of students with Learning Difficulties;
- Building staff capacity to meet the needs of students with Learning Difficulties; and
- Partnerships with Families.

The Education Directorate's implementation of these strategies throughout 2014 led to the development of a comprehensive suite of professional learning packages and resources for school leadership teams, teachers, learning support assistants, and parents/carers. For teaching staff this included development of a comprehensive online resource, the Learning Difficulties LIFE page, that continues to be accessible to school staff through the ACT Education Digital Backpack. The LIFE page is a repository for video presentations, templates, handouts and training videos to complement the professional learning package delivered at this time.

The *Learning Difficulties Teacher Online Resource* book continues to be valued by teaching staff, along with the ongoing professional learning package "Understanding Dyslexia and Significant Reading Difficulties". To further build school capacity to support students with learning difficulties, each school identified a representative teacher to receive specialist training in learning difficulties, supported by school psychologists and field literacy and numeracy officers. A *Learning Difficulties Good Practice Guide* was also developed for school psychologists outlining a comprehensive psycho-education assessment protocol, available assessment tools, and supporting resources and a Response to Intervention Pilot Study was undertaken in selected schools.

Targeted workshops were delivered to parents and carers and a range of resources were developed for families. A review was also undertaken of the Gifted and Talented Student Policy to include "dual exceptionality" (that is gifted students who also present with one or more specific learning difficulties; physical, emotional or behavioural disabilities; or other factors which may impair performance and mask high potential). All of these resources continue to be available on the Education Directorate's website.

Senior psychologists will be presenting the "Understanding Learning Difficulties" face to face workshop in terms 3 and 4 this year. It is intended that these workshops will continue to be available each term.

### **Evidence based literacy instruction in ACT schools**

All ACT public schools use evidence-based literacy approaches to support their students' education needs. Currently in the ACT, the Directorate's approach is to provide balanced literacy instruction to all students to ensure equity of outcomes, and as such schools focus on a range of strategies to teach reading.

The ACT Government recognises phonics is an essential component in building students' literacy skills. This includes the teaching of phonics knowledge and word recognition as part of the Australian Curriculum. The explicit and systematic teaching of phonics and phonological awareness is provided through the use of connected texts and rich engaging reading and writing experiences.

Explicit teaching of phonemic awareness, phonics, vocabulary and comprehension are very important to reading and are included within the Early Years Literacy Initiative (EYLI). The EYLI also includes oral language as a key to effective reading. Current research demonstrates that morphological instruction (that is, the recognition, understanding, and use of word parts that carry significance - this includes identifying the root word, any prefixes, suffixes, and grammatical inflections) needs to be systematically and explicitly taught alongside phonics instruction. All of these elements are encompassed in the EYLI and the place of phonemic awareness and phonics can be noted in particular in Practices #4 and #5 of the 10 Essential Instructional Practices for Literacy:

- Practice #4- Activities that build phonological awareness
- Practice #5- Explicit instruction in letter-sound relationships.

Ms Christine Topfer, a teacher and educational consultant, has been engaged by the Education Directorate to provide both intensive in-school professional learning and support and leadership capability development through a masterclass series to the participating schools.

The EYLI promotes the use of abundant reading material and reading opportunities in the classroom. This includes high quality texts that both motivate and engage young readers and support their developing reading skills. In addition to 'trade' picture and information books, there are quality learning to read books made by Australian educational publishers that meet this need well. Many high-quality texts contain the same elements of decodable readers that support the development of phonological and phonemic awareness (rhythm, rhyme, repetition) and can be used as resources in the explicit and systematic teaching of phonics while also teaching the joy of reading. While the 'Decodable Readers' associated with some phonics commercial programs may form a small part of a school's library of reading resources, they should not be the main resource presented to children to support their reading development and the ACT Education Directorate does not support mandating decodable readers.

All schools, regardless of whether they are part of the intensive consultancy program, are able to access the various universal professional learning associated with the EYLI. These universal professional learning opportunities include "Phonological Awareness and Interactive Writing K-2", "10 Essential Practices in Preschool", "Writing K-3", "Comprehension K-3" and "Word Conscious Classroom". New workshops this year include "Supporting Striving Readers and Writers" (primary schools) and "Supporting Struggling Adolescent Readers and Writers" for secondary schools. All EYLI professional learning for teachers is accredited by the ACT Teacher Quality Institute.

Workshops on "Supporting Striving Readers and Writers" focus on a range of instructional strategies that may support students with a dyslexia diagnosis or any processing issue that makes reading and writing more of a challenge. The

workshop covers ways to ensure these strategies are included in a student's individual learning plan (ILP) to meet individual learning goals that are clearly aligned to a student's learning needs and which are time bound and measurable. ILP processes in schools are overseen by school leaders and include the identification of specific adjustments that may include using assistive technology, a scribe, providing additional time, along with specific instructional strategies to target each student's identified learning needs. An ILP can be requested by either the family or the school if there are concerns for the child's/young person's development.

The Australian Curriculum provides guidance on personalised learning for principals and teachers to support them in meeting the diverse needs of all students, including those with learning difficulties such as dyslexia. For students identified as having learning difficulties, teachers must be able to identify, plan and tailor the teaching and learning program to meet the needs of individual students. For students with dyslexia, for example, this could involve use of assistive technologies such as text to speech and voice recognition software, iPads, tablets and digital recorders.

The Australian Curriculum Literacy Learning Progressions is a resource that outlines the developmental stages in literacy, including but not limited to phonological awareness, phonic knowledge and word knowledge. Specific training is being offered through the Directorate to assist teachers to apply these progression tools to support students' literacy learning in the classroom.

The Education Directorate continues to strengthen its relationship with the University of Canberra to ensure the provision of appropriate, evidence-based pre-service and post-graduate teaching courses and professional learning opportunities. Content on teaching children to read is integrated into literacy units over the four year teaching degree. Additionally, the schools involved in the Early Years Literacy Initiative have expert teachers and leaders identified by their principals to participate in ongoing targeted professional learning as literacy coaches to build their knowledge about all aspects of literacy, language and assessment.

### **Early identification of students with reading difficulties**

The ACT Government has a strong commitment to meeting the diverse learning needs of all students. For students showing signs of struggling with reading and writing, the Education Directorate recognises that early identification, planning and tailoring of the teaching and learning program is critical for facilitating positive literacy outcomes.

The professional learning provided through the EYLI builds teacher capability in literacy assessments that include screening, diagnostic and formative assessments and rigorous tracking and monitoring systems. The Early Years Literacy team with the support of consultant Christine Topfer has collated a quality assured set of literacy assessment tools and monitoring schedules for schools to access. The Education Directorate is working with schools to implement these assessments. These assist classroom teachers to identify where individual children and young people are in their literacy and language learning. These include tools to assess:

- Concepts About Print
- Phonological Awareness

- Alphabet Knowledge
- Reading (multiple aspects)
- Spelling (multiple aspects)
- High Frequency words
- Writing; and
- Oral language.

In addition, all ACT public schools administer the Performance Indicators in Primary School (PIPS) to students at the beginning and end of the Kindergarten year. Kindergarten and year one teachers are able to utilise this data to support planning for student learning. Teachers and school leaders are provided with training support to maximise their understanding of the results.

PIPS also assists in the identification of students who may be struggling with aspects of literacy and assists teachers to tailor instruction for all students, including phonics, and to tailor literacy instruction using a range of targeted strategies and adjustments. The ACT Taskforce on Students with Learning Difficulties determined that, as a measure, PIPS highly correlated with the Dynamic Indicators of Early Basic Literacy Skills test (DIBELS). DIBELS is a universal screening tool for identification of reading disabilities including dyslexia.

The Education Directorate's suite of assessments is more comprehensive and finer grained than the proposed Year 1 Phonics Check and provides a wealth of information on a child's reading behaviours at regular intervals to support teachers to plan targeted teaching and learning. The ACT Government is concerned that implementing the proposed National Year 1 Phonics Check would provide negligible additional information for teachers, schools and systems to improve early detection, differentiate instruction and support literacy acquisition.

Learning disabilities such as dyslexia are defined by the *Disability Discrimination Act 1992* (DDA) and the *Disability Standards for Education 2005* as 'a disorder or malfunction that results in a person learning differently from a person without a disorder or malfunction'. Students with learning disabilities are a specific group who are considered to have learning difficulties but do not respond to appropriate intervention. The *Disability Standards for Education 2005* requires schools to make reasonable adjustments to ensure these students are able to access and participate in education on the same basis as their peers. This requires teachers to exercise professional judgement, in consultation with the student and their family.

The Nationally Consistent Collection of Data on Students with Disability (NCCD), introduced across Australia in 2015, supports teachers to identify students who require educational adjustments to support their additional learning needs. NCCD provides an annual collection of information about Australian school students who are receiving adjustments due to disability. It requires schools to be able to demonstrate evidence of educational adjustments provided to meet ongoing, long-term specific needs associated with disability that have a functional impact on the student's schooling. Evidence may include teacher judgements based on observation, specialist diagnosis reports, individualised/personalised learning planning such as an ILP, records of

assessments, and records of discussions with parents, guardians or carers and (if appropriate) the student as part of the process for determining and providing adjustments. The NCCD enables schools, education authorities and governments to better understand the needs of students with disability and how they can be best supported at school. It reinforces best practice in learning and support systems, supporting a better understanding of the functional needs of students with disability and developing professional judgement to inform appropriate educational adjustments. A comprehensive web portal provides teachers from across Australia with access to rich resources including, for example, a podcast on classroom adjustments for specific learning needs (dyslexia) and case studies of students with learning difficulties.

The Education Directorate supports schools and families to identify individual student needs and any required adjustments. Reasonable adjustments may include use of assistive technologies such as text to speech and voice recognition software, iPads, tablets and digital recorders and predictive text applications for writing and visual supports and/or intensive one-to-one teaching intervention using a structured personalised approach to teaching phonics.

The Google Suite of applications for education, accessible to all ACT public school students, includes functionality such as Read&Write for Google Chrome which automatically reads text to students and can capture speech and turn it into text. There are also apps that will convert handwriting to characters. Although available to all students, these features are particularly beneficial in supporting students with learning difficulties. All students in an ACT public school in years 7 to 11 receive a Chromebook integrated with this G suite for Education. The provision of note-takers and/or assistive technologies might be provided for assessments tasks where appropriate.

The documentation of planning and implementation of adjustments for students, for example in an ILP, is particularly valuable in supporting effective transitions for students when they are moving from one educational setting to another.

#### **Support for students with reading difficulties, access to educational psychologists and literacy specialists**

ACT public schools have a range of support mechanisms for students who are demonstrating difficulties with learning, including dyslexia. This includes access for every ACT public school to educational psychologists and literacy specialists qualified in evidence-based literacy instruction and provision of qualified professionals such as speech pathologists and literacy specialists for students requiring such support during school hours. The ongoing professional learning and support provided for the literacy coaches across EYLI schools increases the access to in-school literacy specialists.

The school psychology service can assist school staff to support students with reading difficulties and may complement the teacher's data with additional assessment to better understand areas of strength and areas of concerns. School psychologists can help determine the presence of learning difficulties (difficulty in an academic area but not yet clear if a student will meet diagnostic criteria for learning disorder) or a Specific Learning Disorder.

School psychologists may initially be involved in supporting a school to implement a response to intervention (RTI) model, assisting the class teacher in

the planning of curriculum-based assessments and interventions to help meet the learning needs of students. This may include whole class (Tier 1) and additional small group (Tier 2) approaches. If students need more targeted support (Tier 3), a psychologist can assist the teachers and school leaders in a case management approach with teachers to develop highly targeted additional intervention and assessment related to literacy.

One of the components of the Early Years Literacy Initiative (EYLI) is training coaches, or literacy specialists, in each participating school. By the end of 2019 there will be 51 schools engaged in the initiative, thus at least 51 literacy coaches in 51 schools, with many of the participating schools having two or more trained coaches. The coaches are available to support all teachers in their school strengthen their literacy practices.

As part of the EYLI, there are also five instructional mentors who are experienced school leaders who support the school-based literacy coaches in implementing and embedding the evidence-based teaching practices in schools. The instructional mentors support all schools across the preschool, early childhood, primary and secondary sectors.

The Network Student Engagement Team (NSET) employs speech pathologists who can support schools to address students' learning and development needs and are also able to consider factors that contribute to learning difficulties such as phonological awareness and language skills. NSET's role is to build school and teacher capacity and the speech language pathology team currently offer professional learning and collaborative planning with schools in the areas of early identification and evidence-based supports in several areas including language and the relationship between oral language and literacy skills.

Speech language pathologists are contributing to assisting teachers to build quality literacy practices. They are involved in the Early Years Oral Language/Literacy Initiative and provide capacity building through consultation and in-servicing to schools which includes information about the scope and sequence of phonics teaching as well as enhancing understanding of oral language and literacy links. NSET speech language pathologists are also contributing to Tier 2 interventions, for example, by contributing to data collection and assessment and assisting with tailoring of oral language and phonological awareness support for small groups of students usually facilitated by an Allied Health Assistant and school staff.

### **Conclusion**

The ACT Government, through the Future of Education Strategy, continues to maintain a focus on meeting the wellbeing and learning needs of all students by placing students at the centre of their learning; empowering teachers, school leaders and other professionals to thrive in a career of learning that meets the needs of all students; building strong communities for learning and systems that support learning. This includes a focus on meeting the needs of students with learning difficulties, including dyslexia, through ongoing professional development for schools, access to specialist expertise and evidence-based literacy instruction. The Education Directorate's active engagement in this space is evidenced by the ACT Government's significant investment in strengthening specialist support for students and schools available through the Network Student

Engagement Team and the School Psychology Service and the implementation of the Early Years Literacy Years Initiative that commenced in 2017. The Education Directorate has strong foundations in place to meet the needs of students with learning difficulties and continues to build on these foundations through ongoing professional learning for staff, strengthened relationships with the University of Canberra and a future focused approach to personalised learning that connects young people with their learning.

### **Restoration of Belconnen bus services—petitions 9-19 and 12-19**

By **Mr Steel**, Minister for Transport and City Services, undated, in response to petitions lodged by Mrs Kikkert on Thursday, 15 May 2019 concerning Belconnen bus network changes.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 15 May 2019 regarding petitions No 9-19 and 12-19 lodged by Mrs Kikkert MLA regarding Belconnen bus network changes.

Through community consultation in 2017 and 2018, Canberrans told us that they want their public transport network to provide more frequent and reliable services, and increased services across on and off-peak times.

While the Government appreciates that the previous network may have provided a suitable travel option for some Canberrans, to provide a more frequent and reliable network for our growing city all routes and services were reviewed and redesigned to encourage more Canberrans to use public transport.

On this measure, the new network has been a success. Overall, around 10% more journeys were made on public transport during the first ten weeks of the new network, compared with the same period in 2018.

I am pleased to advise that since the introduction of the new public transport network at the beginning of Term 2 2019. More than 223 dedicated school bus services and many thousands of other bus and light rail services are used by school students.

During Term 2 2019, the number of journeys made by school students on Transport Canberra services increased by 3.25%, equivalent to more than 25, 000 extra journeys in just ten weeks.

While some students are changing buses more, this has been offset by other students who are now able to make a direct trip to or from school.

During Term 2 2019, about 74% of school students using public transport caught a single bus or light rail vehicle as part of their journey. In comparison, during the same period in 2018, this figure was 81%.

Of those students who do transfer, almost all change between buses or light rail vehicles just once, with less than 2.6% of school students journeys during the first ten weeks of the new network involving two or more transfers.

However, the ACT Government recognises that there have been significant changes for many families, and that there are further improvements which could be made to services. That is why Transport Canberra is working closely with schools, parent representatives, the Education Directorate and other key stakeholders to address specific concerns with services, infrastructure around schools or other issues relating to school travel.

To date, there have been more than 100 adjustments to bus services made since the commencement of the new network, and I have asked my directorate to focus in particular on services used by school students.

In relation to Route 40 (now 32) Transport Canberra is continuing to monitor loadings and demand across the network, including on the Route 32 and will make changes where operationally possible to improve the service capacity and frequency.

From 22 May 2019, Transport Canberra has changed the bus allocated to the 7:54am city bound Route 32 (which arrives at Aranda Primary at 8:26am) from a standard to an articulated vehicle. This will increase the carrying capacity of the service by approx. 35 passengers and will mean that the 7:34am, 7:54am and 8:16am services City bound through Aranda are all serviced by high capacity vehicles.

The ACT Government recognises that there are further improvements which could be made to services. The Government is committed to continuing to invest in our public transport network and your feedback has been forwarded to Transport Canberra's scheduling and planning area for consideration as part of the development of future changes to services and timetables.

Thank you for raising these matters. I hope the information is of assistance.

### **Motion to take note of response**

**MADAM ASSISTANT SPEAKER** (Ms Cody): Pursuant to standing order 98A, I propose the question:

That the petition responses so lodged be noted.

**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) (10.02): The ACT government has been very strongly committed to delivering learning needs to all students and giving children and young people the very best chance to reach their potential. This is clearly articulated in the future of education strategy, which places students at the centre of their learning. For students with learning difficulties such as dyslexia, the ACT government has invested in significant supports, including evidence-based literacy instruction, ongoing professional development for educators and schools, early identification of students with reading difficulties, as well as support for students with reading difficulties, including access to educational psychologists and literacy specialists.

Recommendations from the 2013 learning difficulties task force have guided the government's response to support these students. This has led to the development of extensive resources and professional learning for school staff to build capacity in supporting students with learning needs, including dyslexia.

Funding was also provided in the 2016-17 ACT budget for the recruitment of an additional 26 full-time staff to support long-term educational outcomes for these students and all students in ACT public schools. This has also led to an increase in the number of school psychologists and strengthening the network student engagement team, NSET, through the addition of allied health workers, including speech language pathologists.

This has meant an expansion in universal supports available to schools through professional learning packages that are designed for schools and teachers. NSET allied health workers also respond to school requests for support for individual students and are involved in consultations, observations, assessments and providing support for schools and students' needs. NSET also includes two dedicated inclusion officers in each of the four networks.

Madam Assistant Speaker, the public education system has access to multidisciplinary support from professionals including psychologists, social workers, speech pathologists, occupational therapists and specialist educators. Student welfare teams including social workers, youth workers and student health nurses, based in schools, also provide various wellbeing and health support to students.

The ACT government, through the future of education strategy, continues to maintain a focus on meeting the wellbeing and learning needs of all students. This includes a focus on meeting the needs of students with learning difficulties, including dyslexia, through ongoing professional development for schools, access to specialist expertise and evidence-based literacy instruction.

Students in need of additional support also have individualised educational programs which are tailored to fit their specific needs. Individualised plans strengthen learning and mitigate the likelihood of incidents, ensuring both the safety of the individual student and the safety of their peers. These plans are regularly reviewed and modified. In the 2019 budget, the ACT government directed \$41 million over four years in additional resources to meet the needs of students with a disability, building on similar investments in prior budgets.

Madam Assistant Speaker, there are a number of supports in schools. These include multidisciplinary support through the Education Directorate and professionals, including psychologists, social workers, speech pathologists, occupational therapists and specialist educators. Students in need of additional support also have individual education programs which are tailored to fit their needs.

The future of education strategy is about ensuring that every child, regardless of how they learn, their background or how they come to our schools, gets the same equal

opportunity for a great education. I look forward to continuing to work with our school communities to ensure that this is achieved.

Question resolved in the affirmative.

## **Planning and Development (Controlled Activities) Amendment Bill 2019**

**Mr Coe**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR COE** (Yerrabi—Leader of the Opposition) (10.06): I move:

That this bill be agreed to in principle.

I am pleased to present the Planning and Development (Controlled Activities) Amendment Bill 2019 to the Assembly. The purpose of this bill is to improve the outcomes for communities in Canberra dealing with extreme squalid conditions. We are putting forth this legislation because of localised big problems that impact communities across Canberra. Whilst the problem is not widespread, the extreme squalid conditions we are discussing today are causing considerable distress to many Canberrans. My expectation is that we might be talking about a dozen or two properties in Canberra, but for these dozen or two properties many, many people are impacted.

Property owners have a responsibility to keep their leaseholds clean. By definition, in the legislation a leasehold is unclean only if more than 30 per cent of the undeveloped portions of the block that are clearly visible from the public domain are covered in items. Long grass and overgrown foliage do not constitute an unclean leasehold and are not included as part of the 30 per cent. This instead falls under the purview of emergency services as a potential fire hazard.

We are not changing the definition but simply putting forward legislation on how to enforce it. It is also important to note that we are not talking about a garage full of household possessions or a house full of knick-knacks; we are talking about front and back yards overflowing with junk, cats, dogs, rats, snakes, mosquitoes and much more.

Whilst the vast majority of people comply with their legal obligations, some property owners throughout Canberra fail to keep their leaseholds clean. Neighbours of these individuals have seen their quality of life deteriorate, and ratepayers end up footing the bill for the clean-up. It is unsafe and it is unfair on neighbours and other Canberrans that this behaviour continues despite controlled activity orders being put in place and rectification orders being issued.

Of course, mental health concerns are often at the heart of the problem. Consequently, there can be public health, animal welfare and environmental issues too. Whenever we discuss these issues there is a balancing act between property rights, mental health concerns and community obligations. We must also remember that whilst there are or

may be mental health concerns for the people responsible for the unclean leaseholds, we also have a duty of care to the mental health concerns of the neighbours.

Failing to keep a leasehold clean can be a legitimate safety issue for the property owner, visitors, locals and emergency services if they are responding to an incident. Furthermore, failing to keep a leasehold clean can lead to potentially poor health outcomes for the property owner and for the adjacent residents, due to rodents, mosquitoes and other pests.

At the moment there is a lack of enforcement of controlled activity orders, including inspections and rectifications. Unclean leasehold issues will often drag on for years, even decades, with limited action from the property owner and next to no action from the government.

While there are certainly some complex cases, there are property owners who continue to abuse the system and flout the rules. The current procedures and processes are not working. It is not reasonable that these matters are dealt with as they are currently. We need prompt and effective solutions. Every Canberran has the responsibility to be a good citizen and follow the laws in place for everyone's benefit. It is not fair that a few people continue to abuse the system to the detriment of many others in their community. This should not be at the expense of holistic services that treat underlying physical or mental health conditions, but inaction is not a solution. In fact, government inaction can magnify the problems and magnify the mental health concerns.

I will take a few moments to share some of the correspondence I have received from Canberrans who live adjacent to some of these properties. Some of them are here with us in the gallery today. I note that a number of these emails have been sent to numerous members of the Legislative Assembly, but the constituents have received little support and often no acknowledgement whatsoever from their elected representatives. This is one email I received from one of the residents with us today:

The garbage around the front yard still remains along with the white goods, weeds and rat-infested junk that dominates the backyard and is home to the three large, aggressive dogs which continue going off intermittently.

Just as we make progress with one thing this person begins hoarding something else! He's just had another car dropped off by tow truck to replace the shipping container and sit next to his old van at the front of the house (which has been there ... for months). How many vehicles can we now expect to see littering the yard like the white goods out back!

This ongoing junkyard rubbish issue ... has gone on for so long it is beyond a joke. For several years now voting, tax and rate paying residents ... have had to put up with neighbours who have repeatedly flouted the system and continue to undermine the value of our property and living conditions in our suburb.

This is another email I received:

... I received the attached response to a complaint I lodged in May 2018. I can't believe it has taken them over one year to respond and advise of any action. They

are again putting in place orders for clean up; and we believe this has happened many times before only to revert back to the continual over hoarding and mess.

Apart from the eyesore and devaluing to the area, we also have safety concerns that one day a child may be playing on the public land and may get locked in one of the appliances causing injury or worse.

Here is another piece of correspondence:

We have lived in close vicinity to these dreadful conditions in excess of 25 years. We wonder if this distressing issue would continue for quite so long if it was occurring in a house adjunct to a Canberra public landmark or even an MLA's residence.

Another email states:

Whilst I was happy to receive this notification the occupants of the property obviously have no interest in compliance with the order.

There has barely been a day where there has not been whitegoods stored in the front of the property and they have now taken to storing them in trailers out the front and side. I am pretty sure that the trailers are unregistered also.

The whitegoods are now beginning to appear on the unleased land beside the property again.

This order must be enforced and continually monitored as the occupants do not care and show little regard for the directions within the order. Just do your job please - a piece of paper ordering them to do something is worthless without enforcement. There is 20 years of previous behaviour to reference how little regard they have for the law and their neighbours so they should not be granted any leeway to adjust their behaviour.

This is what residents have to deal with—years of inaction and no enforcement. It is very real.

I will now read an excerpt from a letter of 13 February this year from Minister Gordon Ramsay to a constituent:

I can confirm on 21 December 2018 Public Health Officers conducted an inspection ... and found a number of white goods—

we are talking hundreds—

fish tanks and other containers that contained stagnant water and as a result had the potential to encourage mosquito breeding. The occupier was advised to empty water from all containers and to keep all containers without lids turned upside down. Upon follow up inspections on 24 December 2018 and 2 January 2019, Officers identified that the occupier had emptied all containers and covered fish tanks as instructed.

That is the level of enforcement—turn the containers upside down and put the lid on the washing machine. We are talking about hundreds of whitegoods here. It is just not

good enough. Rather than instructing or working with the occupier to remove the hundreds of containers, the public health officer only asked them to tip the water out. This is not a solution.

I ask the minister whether he would feel comfortable living next to these properties which pose a potential health hazard, whether he would feel this enforcement is adequate or whether he might want stronger enforcement, just as many other Canberrans do. It is not reasonable in Canberra to have rat and snake infestations caused by hundreds of fridges and washing machines in the front and back yards of suburban homes.

The bill I present today introduces inspection and enforcement measures surrounding controlled activity orders related to unclean leaseholds. The amendments include: mandating that no interim stay can be granted to properties subject to controlled activity orders, which will give them immediate effect; making the issue of an ongoing controlled activity order non-reviewable; introducing regular inspections; inserting firm deadlines for rectification works to be carried out; requiring that rectification works must be authorised if the subject of an ongoing controlled activity order refuses to comply; making individuals in breach of controlled activity orders liable for rectification costs; and increasing penalties for multiple breaches or breaches in relation to commercial activities taking place on blocks.

Many residents have been severely affected through the lack of enforcement and delays in addressing extreme hoarding issues in their community. I thank those who are with us today for their contribution, and the many more who have been in touch with our office. I particularly mention and give special thanks to Kimuel, whose tireless advocacy has been a driving force for this change.

All these residents have been forced to deal with these issues on a daily basis for many years. They pay their rates and they do the right thing. It is not unreasonable that their local government takes their complaints seriously and enforces the law. As I have said before, these residents deserve action.

Finally, I note that I am very much open to improvements to this legislation and I invite all members of the Assembly to work constructively with the opposition to get this done. Whether amendments or suggestions come from the government or from the community, we are open to doing everything we need to do to get the best outcome for all Canberrans. I commend the bill to the Assembly.

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

## **Hydrotherapy services in south Canberra**

**MRS DUNNE** (Ginninderra) (10.21): I move:

That this Assembly:

(1) notes:

- (a) the recommendations contained in the report of Nous Group, dated 2 July 2019, titled *Access to Hydrotherapy in the ACT*;
  - (b) the general community considers the hydrotherapy pool at The Canberra Hospital (the pool) a significantly important resource for the physical and social wellbeing of the people who use it;
  - (c) during 2018-19 the pool had no closures due to unplanned equipment breakdowns, but the hydrotherapy pool at the University of Canberra Public Hospital had two; and
  - (d) the Government has stated previously that it would keep the pool open until a suitable alternative facility is available on the south side of Canberra; and
- (2) calls on the Minister for Health to:
- (a) affirm that the Government will keep the pool open until a suitably equipped and specified alternative, with regular and adequate public access is available on the south side of Canberra; and
  - (b) by the end of the October 2019 sitting period, report to the Assembly on the Government's plans for a suitably equipped and specified hydrotherapy pool, with regular and adequate public access on the south side of Canberra.

Last week the health minister, along with officials from ACT Health and representatives of Nous Group, presented Nous Group's report *Access to Hydrotherapy in the ACT*. The presentation was made to a large group, primarily people who receive hydrotherapy services from Arthritis ACT. The services have been provided at the hydrotherapy facility at the Canberra Hospital.

Everyone will recall that the minister formally tabled the report in the Assembly yesterday. Her comments reflected what was said at the presentation last week. In opening that presentation the minister said that there had been a lot of talk over a long period and at cross-purposes, and the minister apologised for that.

In some sense, Minister Stephen-Smith could make that apology because she had not been involved in those cross-purpose discussions. But the bottom line is this: the Labor-Greens government has been at cross-purposes with the people who use the hydrotherapy pool at the Canberra Hospital because it did not want to listen to those people. And the real question now is: are they still at cross-purposes?

The government has had one agenda in mind, and that is to close the pool. It is not interested in hearing any arguments about why or how the pool should or could remain open, or for how long. The government, including its ministers, engaged in a strategy of conflicting information, misleading undertakings, obfuscation and misinformation, which, as it turns out, has been quite a successful strategy to confuse the pool's many users.

Arthritis ACT—a small, community-based organisation that should be focused on serving the needs of its constituency—has spent literally years trying to work through the strategy of a much more powerful and better-resourced adversary, the ACT Labor-Greens government, and it should not have been an adversarial situation.

Probably the worst piece of misinformation was when then health minister Fitzharris said that a hydrotherapy pool was being built at the Stromlo aquatic centre. There was then a circling of the wagons as the sport and recreation minister tried to cloud the issue of whether the pool would be suitable for hydrotherapy sessions.

It was not long before the world knew that there was never going to be a properly equipped and specified hydrotherapy pool at Stromlo; it had been a ruse to close down questioning in estimates. It was not long before the world knew that this was a strategy to throw the Canberra Hospital pool stakeholders off the scent, in the hope that the government could close the pool quietly and no-one would notice.

Information and data sent to the government were ignored or misrepresented, including publicly in the media. The former minister was caught out during a radio interview giving false data about pool usage. Even when the correct information—and the government already had that information—was given to the station during the interview, the minister failed to correct what she had said. Perhaps she thought it would have weakened her argument too much about the need to close the pool if she had been entirely truthful on radio.

This Labor-Greens government has even stooped low enough as to tell the Arthritis ACT executive director who she can talk to and who she cannot. Thankfully, the executive director is not one who will be muzzled. Again, it is all part of the government's strategy.

At the presentation last week I noted that health officials were concerned that even though the pool, when it was built in the early 1970s, met the construction standards of the day, life has moved on and it does not meet the standards required today. Yet, in other questions about health assets meeting today's standards, I have been told repeatedly that they were built to the required standards of the day, so they are good to use now, even though they do not meet today's standards. This sort of conflict is part of the government's strategy to build arguments to support the case for closure of the pool.

We were also told, both at the presentation and in the *Nous* report, that the pool mechanics could break down at any time and that replacement parts are not available. But in the last 12 months the pool at the Canberra Hospital has had no hours—not one hour—of downtime due to unplanned equipment failures. I also know that the maintenance people at the Canberra Hospital have the skills and workshop tools that would enable them to manufacture parts that are unobtainable elsewhere. By contrast, the new hydrotherapy pool at the University of Canberra Hospital has had two unscheduled breakdowns during the past year, due to unscheduled equipment failure.

These are just some of the strategies that this government has adopted in its quest to close the Canberra Hospital hydrotherapy pool before there is a suitable replacement. It is these strategies that have led to the talking at cross-purposes. The latest one is that the plant room under the pool presents safety risks to the maintenance crews. Yet, in the minister's own statement given in this place yesterday, we heard about all the money that has been spent on that pit in recent years.

Most tellingly, the minister remarked that maintenance people do not—I repeat, do not—consider that they are at risk, and they have measures in place to mitigate those risks. I also have had conversations with the maintenance people, who say that they would not be going into the pit if they apprehended that there was any danger, but they do not apprehend any danger.

The minister seems to have dismissed that advice, saying, in effect, that people who do not work at the facility will know better than the people on the ground. It is a smokescreen, because this government has only one item on its agenda—that is, to close the hydrotherapy pool at the Canberra Hospital.

In contrast, Arthritis ACT and its members and other users of the hydrotherapy pool at the Canberra Hospital have been of one mind and one goal. They have been using the pool for many years. They have been using it safely. They have enjoyed the benefits of physical relief from chronic pain. They have enjoyed building social networks. They have enjoyed relief from social isolation. They have enjoyed convenient access to a facility that is close to where they live.

But this Labor government did not take any of these benefits into account when it planned the University of Canberra public hospital, including its hydrotherapy pool. It went ahead and just assumed that it could simply close the Canberra Hospital pool and that its users could just travel to Belconnen. No matter that they may need to take public transport to get there. No matter that for some the return journey approaches four or five hours. No matter that social networks would be broken. No matter that social isolation would again become real.

Both the current and former health ministers have said the pool at the Canberra Hospital will remain open until a suitable pool is identified on the south side. I applaud that undertaking, but I note the thinly veiled suggestion that this is not necessarily as definitive as it would first appear. For example, Arthritis ACT's access to the pool has been extended until the end of next month; then it will be on a month-by-month basis. The government is leaning heavily on the convenient advice of the Nous report that, in effect, the pool should close much sooner than later.

By looking at the first and fourth recommendations in the Nous report, it could even be interpreted that there could be a very long-term gap between the closure of the Canberra pool and the identification and establishment of a south side alternative. Even recommendation 3, which potentially embroils a lot of people in a great deal of unnecessary bureaucratic form-filling and expense, draws a fog over the viability of keeping the Canberra Hospital pool open.

Earlier in my remarks I asked whether it was still the case that the government and the pool users were at cross-purposes. Taking into account the extent to which this minister is trying to draw a distinction between different types of hydrotherapy, making the closing of the pool rather than serving the people who use it her highest priority, and attempting to gag Arthritis ACT and their CEO about who they can talk to, it is quite plain that successive ministers and a whole phalanx of bureaucrats have not learnt anything from the last years of conflict and cross-purposes over the south side hydrotherapy pool.

By contrast, we in the opposition have learnt much. We have learnt how many people are affected by arthritis. We have learnt just how transformative and life-changing hydrotherapy is for sufferers. We have learnt that hydrotherapy offers more than physical relief; it offers social engagement and a connection amongst a group which suffers from social isolation. We have learnt that the benefits of hydrotherapy extend well beyond the arthritis community. We have learnt, in short, just how much the community values hydrotherapy.

We have learnt, by contrast, that this Labor-Greens government has learnt nothing and ignored everything about the importance of hydrotherapy in the community. We learnt last week, and it was reinforced yesterday, that the new minister is infected with the same malaise as her predecessor on this issue.

The purpose of my motion is to call on the minister to give to Arthritis ACT and the people who use the hydrotherapy pool at the Canberra Hospital an unequivocal, unqualified guarantee that it will not close until a suitable, equipped and specified pool is available for use on Canberra's south side. The thing that this minister and this Labor-Greens government must learn is that this issue will not go away for them until they make that commitment—make a commitment to a new south side pool or the government changes. So that we can finally have some certainty as to the future, I call on the minister to report to the Assembly on the government's plan for a future facility on the south side by the date set out in the motion.

The importance of hydrotherapy to the people of the ACT in general, and the importance to those people who will be isolated if this pool closes, cannot be understated. That is why the Liberal opposition is back here today speaking about these matters. I commend the motion to the Assembly.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Disability, Minister for Employment and Workplace Safety, Minister for Health and Minister for Urban Renewal) (10.33): I thank Mrs Dunne for bringing this motion to the Assembly. Yesterday I responded to the Assembly's previous resolution about hydrotherapy services in Canberra, so I will keep my remarks brief today. I first move the amendment that has been circulated in my name:

Omit all text after paragraph (1)(a), substitute:

- “(b) the Nous Group found that it is ‘implausible that the [Canberra Hospital hydrotherapy] pool can be kept open considering the on-the-record safety and suitability conclusions that have been drawn by responsible managers in the ACT public sector’;
- (c) that, in line with Recommendation 1 of the Report, the ACT Health Directorate held a briefing for Arthritis ACT members and users of The Canberra Hospital hydrotherapy pool on 7 August 2019 to present the Nous report and to enable Canberra Health Services to directly outline their concerns about the current condition and safety issues with the pool;
- (d) that, in line with Recommendation 2 of the Report, the Health Directorate will work with Arthritis ACT to discuss the terms of the existing Service

Funding Agreement to ensure both parties' future interests are addressed, acknowledging that this will require additional funding to secure access to private facilities and/or transport;

- (e) that, in line with Recommendation 3 of the Report, the ACT Health Directorate will work with Arthritis ACT to support members to identify suitable access to alternative hydrotherapy by mapping the current services provided through existing sessions, to build a holistic assessment of need; and
  - (f) that, in response to Recommendation 4 of the Report, which is that the ACT Health Directorate conduct a study of the costs and benefits and different models for the longer-term establishment of a hydrotherapy facility in the south of Canberra, the Minister for Health has announced that the ACT Health Directorate will undertake a market sounding process to determine whether there are non-government organisations who may be interested in working with the ACT Government in the development of a new public hydrotherapy pool in Canberra's south;
- (2) further notes the resolution of the Legislative Assembly of 15 May 2019 that called on the ACT Government to:
- (a) agree not to close The Canberra Hospital pool until an appropriate level of access at other suitable locations, readily accessible for those on Canberra's southside can be continued;
  - (b) continue to work collaboratively with local stakeholders to include their input in the work that is currently underway to determine the current demand and usage of hydrotherapy and warm water facilities across the ACT; and
  - (c) report to the Assembly on these matters by the last sitting day in August 2019;
- (3) further notes that:
- (a) the Minister for Health reported to the Assembly on 13 August 2019;
  - (b) the Minister reiterated the ACT Government's commitment not to close The Canberra Hospital hydrotherapy pool until an appropriate level of access at other suitable locations can be continued for those on Canberra's southside;
  - (c) the ACT Government remains committed to working with Arthritis ACT and Canberra Hospital hydrotherapy pool users to establish an appropriate level of access at other suitable locations, aiming to provide continuity of support for individuals and groups to the greatest extent possible; and
  - (d) Canberra Health Services has clearly advised the Minister and the community of the risks associated with keeping the pool open, and that these risks cannot be sustained for an extended period; and
- (4) calls on the Minister for Health to report back to the Assembly by the last sitting day of 2019 on the further progress in implementing the recommendations in the Nous Report, including in relation to the market sounding process and the process of supporting pool users to access other suitable locations.”.

As Mrs Dunne noted, I did apologise to those in attendance at last Wednesday's briefing for the anxiety that this issue has caused them. And to anyone who is in the gallery today who has an interest in this issue or who may be affected, I apologise for the anxiety caused and acknowledge that, as Mrs Dunne has noted, there has been a lot of talking at cross-purposes. That has created confusion and it has delayed our capacity to find a path forward.

I would like to reiterate my point that we must stop arguing about the facts. We must now try to allay the confusion and anxiety, accept the reality and find a path forward. Mrs Dunne's own motion has acknowledged the release of the Nous report, and I want to quote from the executive summary of the report. The Nous report found that different user groups within Arthritis ACT and other community groups have different needs in accessing hydrotherapy facilities but with no quantification of the needs of the different subgroups. We have the total numbers of people who are attending Arthritis ACT sessions and sessions provided by other groups, including the Cerebral Palsy Alliance, but the specific needs of those individuals and those groups have not yet been quantified.

The report noted an increase in registrations for hydrotherapy and attendance at hydrotherapy sessions run by Arthritis ACT, requiring a greater number of sessions to be made available. This acknowledges that since the beginning of this debate, even in the last 12 months, as awareness has grown in the community about the benefits of hydrotherapy and the availability of hydrotherapy through Arthritis ACT, the demand for the service has grown. I have acknowledged many times, and I continue to acknowledge today, that part of the reason for that is that hydrotherapy does provide ongoing therapeutic support with physical and psychological benefits for people who are experiencing chronic illness and chronic pain in the community.

This is a very different way of thinking about hydrotherapy from the way that ACT Health clinicians had been thinking about hydrotherapy and the way that hydrotherapy had been considered in the replacement of the Canberra Hospital pool with the pool at the University of Canberra Hospital in that rehabilitation and subacute setting. It is true to say that the Canberra Hospital pool has been replaced as a public hydrotherapy facility, but it is also true to say that what has become very apparent is that there is greater demand in the community for a community-based facility that will support ongoing therapy with mental and physical health benefits for people with chronic illness and chronic pain in the community.

**Mrs Dunne:** Yes, that is right. That is what we said in May.

**MS STEPHEN-SMITH:** Mrs Dunne can say as many times as she likes that I have not acknowledged this, but the reality is that I have. I did it last week, I did it yesterday and I am doing it again today. And it was acknowledged well and truly in the Nous report.

*Mrs Dunne interjecting—*

**MADAM ASSISTANT SPEAKER** (Ms Cody): Mrs Dunne, you were heard in silence.

**MS STEPHEN-SMITH:** The other reality that we need to face is that the hydrotherapy pool at TCH is approaching its end of life and there are attendant risk issues surrounding the pool, as the Nous report says:

The deeply concerning dilemma the CHS has is keeping open a possibly unsafe and no longer suitable venue because no one knows ... which alternative arrangements are needed.

That is the issue that we need to address. I have quoted in my amendment the conclusion of the Nous report that it is “implausible that the pool can be kept open considering the on-the-record safety and suitability conclusions that have been drawn by responsible managers in the ACT public sector”. The reality at this point is that it is a fact accepted by Arthritis ACT and publicly acknowledged by its CEO that the hydrotherapy pool at the Canberra Hospital must close. It is also a fact that the government has committed to finding suitable alternatives for all pool users. I have said that a number of times now, both last week and in yesterday’s statement.

As I mentioned yesterday, Nous recommended that the ACT Health Directorate and Canberra Health Services engage with Arthritis ACT to make clear the basis of the conclusions that the hydrotherapy pool at the Canberra Hospital would need to close. This engagement occurred at a meeting with Arthritis ACT and its members on 7 August, where I reiterated the ACT government’s commitment not to close the Canberra Hospital hydrotherapy pool until an appropriate level of access at other suitable locations could be continued for those on Canberra’s south side. This is exactly what the Legislative Assembly called for in May; it is the commitment that was made in May; it is a commitment that I have reiterated; and it is a commitment that we will stick to.

Nous also recommended that the ACT Health Directorate collect data on the use of the hydrotherapy services and assess the best alternatives for individuals, as was outlined in the meeting on 7 August. And as was outlined at the meeting on 7 August, the ACT Health Directorate will work with Arthritis ACT to determine the best methodology for this.

Rather than duplicate clinical assessments—which, we heard very clearly, people attending the meeting said they already have in their referrals—I have asked the ACT Health Directorate to map the current services provided through existing sessions to build a holistic assessment of need. The aim is to provide continuity of support for individuals and groups to the greatest extent possible, rather than simply undertaking a clinical assessment exercise. Again, I refute Mrs Dunne; this is clearly not consistent with Mrs Dunne’s interpretation that groups are going to be broken up and people are not going to have access to services. That is absolutely in contradiction to what we have said and what we have committed to.

What I have said and what I have committed to absolutely recognises, as I said last week, and again yesterday, that hydrotherapy has multiple benefits, physical and psychological, for people experiencing chronic illness and chronic pain in our community. That is why the market sounding that we have referred to will look at community-based facilities.

I expect that the work that the ACT Health Directorate will do with Arthritis ACT will occur over several weeks, but I am not setting a time frame for this. This work needs to be done properly and well, and in line with a methodology agreed with Arthritis ACT. While the current agreement will move to month to month with Arthritis ACT from the end of September, I have not put a time frame on closure because I want this work to be done thoroughly and well.

Nous also recommended that there be a study of the costs and benefits of different models for the longer term establishment of a hydrotherapy service in the south of Canberra. The work to collect data on the users of hydrotherapy services and identify appropriate alternative services will also help to inform consideration of a new hydrotherapy facility in the south of Canberra. The government will be approaching the market to identify innovative proposals to establish a hydrotherapy pool in the south of Canberra. As part of that approach, we will be seeking feedback on partnership models that could be considered. I understand that there are already ideas out there and people will want to come forward with proposals.

Nous also recommended that the ACT Health Directorate review the funding agreement with Arthritis ACT to resolve the issues within it. Work will commence on this shortly, alongside the work to identify appropriate alternative services for the users of the hydrotherapy pool at Canberra Hospital. I have acknowledged in correspondence with Arthritis ACT that this is likely to require additional funding to secure access to private facilities or transport.

In the course of this work and into the future, it will be important to discuss these matters with a wide variety of stakeholders in addition to Arthritis ACT, including organisations such as the Cerebral Palsy Alliance and the Health Care Consumers Association, acknowledging again the broad potential benefits of hydrotherapy for many people in the community. These discussions will ensure that we consider hydrotherapy facilities and their use in both managing chronic conditions and maintaining health and wellbeing, as well as providing rehabilitation.

Before I finish, I want to say that at this point what is creating anxiety and confusion in the community is actually the Canberra Liberals' approach. We have been very clear that we need to find a path forward. I cannot, as the responsible minister, ask Canberra Health Services to keep open indefinitely a facility that they are telling me represents an unacceptable work health and safety risk. We cannot do that, and it is astonishing to me that Mrs Dunne believes the Assembly should be doing that.

I am not going to put words in the mouth of Arthritis ACT, as sometimes Mrs Dunne does, so I will quote the words of the Arthritis ACT CEO from an interview last week on ABC Radio Canberra. She acknowledged:

It is a safety issue, really, and the government did point out really strongly yesterday—

this was on Thursday after the briefing—

just how poor the facilities are actually under the pool. So when you walk into the pool complex, it is actually a nice complex. It has been well maintained over the years. But when you get down into the pit under the actual pool where all the actual machinery is that drives the entire complex, it is a massive issue, and in fact I am concerned that any staff member is allowed to go under the pool if it is as bad as they say.

Mrs Dunne is claiming that public servants are effectively lying about this and that it is not as bad as they say. I am not willing to accept that position. Ms Davey went on to say:

We are certainly going to have to work on an interim measure. If the pool needs to close sooner rather than later, we have to find basically like for like, so we can move the members—and the community has evolved—to another venue until such a time that another pool becomes available. It is not going to be easy. On both sides, we are very keen to find a solution that deals with the issue now, gets us through until a good new pool can be put in place, but so that we can all get on that, get on too.

I agree with that. It is not going to be easy. It is not ideal. As I said yesterday, politically the easiest thing for me to do would be to stand in this place and say, “Yes, we will keep the pool open until a new pool is built.” In good conscience, on the advice that I have from Canberra Health Services about the risks, I cannot do that.

It is time to accept the facts that are on the table, to accept the advice of our professional public servants, rather than accuse them effectively of lying to us, and to work with the community to find a constructive path forward. That is what is going to reduce confusion and anxiety among those pool users, not a constant effort to shift the goalposts and ask for something else every time the government commits to something that the Assembly has already asked for and is working towards delivering.

As I said in my statement yesterday, I thank Arthritis ACT and its members very much for the positive way in which they have engaged, particularly the way in which they engaged with the Nous Group consultants for this work, and for their attendance, interest and feedback at last week’s briefing. I very much look forward to working constructively with Arthritis ACT and its members to meet their needs, both in the short term and in the longer term.

**MS LE COUTEUR** (Murrumbidgee) (10.47): I very much thank Mrs Dunne for bringing forward this motion today. I have to disagree with the minister here. It is not actually the Liberals who are causing this problem, and I think that it was really inappropriate for the minister to attempt to shoot the messenger on this one. I have heard this message as well, and I must admit I was both pleased and shocked when I read the Nous report and their first recommendation that there had to be better

consultation with the users so that they actually would understand and believe what the government was saying. I was really surprised because that was a sad reflection on the state of communication here. I think we need to thank the Liberal Party for putting more emphasis on this, which is clearly, for a number of people in Canberra, a substantive issue.

Part of this, I am sure, is simply down to semantics, and there may be a lot more fulsome meaning, a lot more in what the government is saying than what is being interpreted. Hopefully, that is in fact the major part of this issue. But, as someone who has attended a lot of government meetings and been to a lot of government consultations, I can totally understand why people do not feel 100 per cent reassured by some of the things that are said. I sincerely thank Mrs Dunne for bringing forward this motion, despite the fact that I am actually going to support the government's amendment.

The government's amendment has some positive things in it, and one of them I would like to highlight is (1)(d):

... that, in line with Recommendation 2 of the Report, the Health Directorate will work with Arthritis ACT to discuss the terms of the existing Service Funding Agreement to ensure both parties' future interests are addressed, acknowledging that this will require additional funding to secure access to private facilities and/or transport ...

I am very glad that the government is acknowledging that to solve this problem is actually going to require additional funding and I very much thank the minister for saying this.

I do not agree with the Liberal Party's views that I am joined at the hip with the Labor Party. That is simply not the case. As we noted when this was debated in the Assembly earlier, the ACT Greens understand that hydrotherapy services are crucial to the health and wellbeing of many Canberrans and these services need to be accessible and available to those people who need them. Hydrotherapy can offer improvements in mobility and quality of life. The preventative and rehabilitative value for people with chronic muscular, osteo and other conditions has already been discussed in previous debates and previously today.

It is clear from the petition that was presented previously and the fact we are having this discussion again today and of course the Nous report, that there is an ongoing and demonstrated need for a range of aquatic-based therapy services in south Canberra that are accessible to people for whom the University of Canberra hydrotherapy services simply are not accessible. When we debated this matter in May the government committed to keeping the current pool open until a suitable alternative was found, and since then, of course, there has been the Nous report.

The report recommends that CHS and the ACT Health Directorate engage in depth with Arthritis ACT to make clear the basis on which it has drawn its conclusions regarding the safety and fit for purpose condition of Canberra Hospital pool; the ACT Health Directorate conduct a review of the funding agreement with Arthritis ACT; the ACT Health Directorate and CHS select an option to collect enough data on the users

of hydrotherapy services for health maintenance purposes to assess the best alternatives for the individual; and the ACT Health Directorate conduct a study of the cost and benefits and different models for the longer term establishment of a hydrotherapy facility in the south of Canberra.

It also highlights some of the factors contributing to the uncertainty in the community about transitioning to alternative options. These include: different user groups having different needs in accessing hydrotherapy facilities but no quantification of the needs of different subgroups; an increase in registrations for hydrotherapy and attendance at hydrotherapy sessions run by Arthritis ACT, requiring a greater number of sessions needing to be made available; and the hydrotherapy pool at THC approaching its end of life, attendant risk issues surrounding the THC pool and other aspects of supervised hydrotherapy under the Arthritis ACT contract.

The Nous report and the minister's comments this week have provided some detail about the ongoing safety and maintenance concerns about the Canberra Hospital pool. The safety of pool users, and of course staff, is paramount. We have to accept the position outlined by Minister Stephen-Smith that keeping the pool open in the long term is not safe and viable. Even if the pool had not needed significant maintenance works recently and even if the risk to individual workers had been mitigated to a point, it is clear it is an ageing facility, and when a major issue occurs it may not be possible, in fact, to fix it in any timely fashion. At the very least, that is one of the ongoing risks which I know that everybody is aware of and, I believe, appreciates. Given this, the pool simply cannot be kept open forever.

We have to think of what the alternatives are going forward. It would seem that, from the Nous report and the ongoing debate here and in the community—as I said in my earlier remarks—there is definitely a need for further work to be done to meet recommendation 1 of the Nous report on engagement. It is clear that stakeholders need more engagement in depth to understand the safety and infrastructure concerns and to plan for the future of these services.

If nothing else, the debates in this place have prompted recognition from the government that decisions to close the Canberra Hospital pool could have been more consultative and the community has often felt that it was not heard. I accept that the directorate and the minister have taken some steps in this regard—with the briefing held earlier this month. I regret that, due to committee obligations, I was not able to attend that, and I thank the minister for her invitation. However, despite this briefing and the minister's wishes, it seems that not all users are on the same page and that additional and ongoing stakeholder engagement is required.

Closing the pool without making it clear to users what alternative accessible options are available is clearly deeply distressing to the impacted community. The recommendation by Nous that the ACT Health Directorate and CHS “collect enough data on the users of hydrotherapy services to assess the best alternatives for the individual” and the commitment by the health minister to work with the stakeholders to make arrangements to meet the ongoing needs of pool users will take time and, I fear, is unlikely to completely satisfy some stakeholders. However, it seems, given where we are, a reasonable part of the way forward from here.

We note that the minister has accepted that additional resources may need to be found to assist pool users to access different alternatives in terms of transport, the costs of accessing private facilities and potentially pool safety staff. Working with Arthritis ACT and other stakeholders, listening to their needs, is going to be key to ensuring suitable outcomes in both the short term and the long term.

We acknowledge the issues raised by the Nous report and the minister about the ongoing viability of the pool at THC and we acknowledge that the use of the pool is not sustainable in the long term, which means, of course, that long-term solutions need to be found for south side residents. Whether or not some people use the pool for maintenance therapy and some people use it for other purposes is not really the issue and it is not good enough that a pool is available on the north side. The reality is that the Canberra Hospital pool is used regularly by people on the south side for their health and wellbeing.

Options have to be found to provide access to suitable facilities on the south side for those who need it on an ongoing basis. Continuity of access is necessary. The need for therapy does not stop, unfortunately, just because a facility is no longer available. We very much welcome the minister's plans to investigate market sounding for the development of a new pool in the south of Canberra and we welcome very much the minister's amendment acknowledging that this will require additional funding to secure access to the private facilities and/or transport. This is the key to this motion.

Almost certainly, the new solution will cost more than the current costs. Many users are not in a position to drive long distances to access hydrotherapy or take the sort of time that Mrs Dunne pointed out may be taken by some users in the deep south to access the new facilities on the north side. Some people are on low incomes and simply cannot afford to pay more for their hydrotherapy.

The commitment to keep the pool open in the short term while work continues to be done to find and fund long-term solutions is welcome. Some clarity in the minister's next update about the time line for closure and information about the plans for long-term solutions and how individuals have been accommodated—I think that is the word—would be very much appreciated not just by this Assembly but I think even more so by the affected community. And of course information about the continuing engagement with the users of the pool in the short and long-term options and time frames would be useful.

I thank Ms Stephen-Smith for her amendment, which made some useful points about the need for additional funding to achieve an outcome that is going to work for everybody, and I sincerely thank Mrs Dunne for bringing this matter back to the Assembly.

**MRS JONES** (Murrumbidgee) (10.59): I thank Mrs Dunne for bringing this important motion to the Assembly today and for her ongoing efforts in standing up for the hydrotherapy users at the Canberra Hospital. I thank Ian and Minh, here with us today, and all those watching online. The minister says there have been discussions at cross-purposes. That is a way of escaping blame, to some extent, by saying it has been a reasonable misunderstanding.

I have heard about this issue, standing out at local shopping centres, for getting close to 10 years now. The fact that the government did not work out that there was an issue until the Liberals brought a motion into this place shows that they have a tin ear and are completely disrespectful to the health users of the ACT.

People using the hydrotherapy pool are managing chronic pain, comorbidities, disabilities, mental illness, PTSD, injuries, long-term conditions like arthritis, have undergone surgery or have had a stroke. They expect and need water between 32 and 34 degrees. This is the type of hydrotherapy they are concerned about losing with the closure of the pool.

Hydrotherapy is not just for rehabilitation and recovery but also for the ongoing maintenance of health issues. I discovered this after one conversation with a group of users, but it took this government thousands of dollars and a report from the Nous Group to understand the very basics of what we have been bringing to this place for at least months now.

Over 3,000 residents signed a petition months ago calling on the government to keep the pool open until some sort of replacement is provided. We have heard again today that the pool is not falling apart; it is in good working order. It is interesting that the minister should attack the Canberra Liberals for having an opinion on what good working order is, as though we have no knowledge of how mechanical matters work, as if we have not had conversations with those who maintain the swimming pool and as though the government have never put out a report which manipulates outcomes so that they can do what they want, whether the people like it or not.

What users have been through has been an unnecessary and anxious experience. The government keeps repeating that there is a safety issue and is trying to make people feel guilty about the services they need, when this government has totally missed the point for over a decade.

In the motion in May in this place the former minister—health minister version 0.5 for this government—said that the Nous report would check the supply of other facilities and provide advice to government about securing sessions at those facilities. That was said in this place by the minister. Surprise, surprise! The Nous Group's report has no information about the supply of other facilities or advice to government about the sessions at these facilities that the government could book. Only a Labor minister with a tin ear would present a report which was supposed to have a solution in it with no solution in it.

Yes, there are safety issues. There are safety issues every time we drive down the street and there are safety issues every time we go into the Canberra Hospital, which was built a long time ago and was due for replacement a lot sooner than has occurred. This government oversaw the spontaneous combustion of the major switchboard at the Canberra Hospital, so do not come in here lecturing us about what is safe and what is not.

This government is devoid of empathy and has a tin ear. It has only one interest—maintaining its own status. There has been a disrespectful approach on this issue. Pool users are rightly furious that the pool will be shut down with no alternative yet being offered. No-one disagrees that it is not the facility for the long term. The minister is trying to change the narrative here and make it sound like someone is lobbying for the pool to be open indefinitely. No-one is lobbying for that; that is untrue and is an attempt to create a narrative in order to wedge other people, rather than take responsibility for the government's failings.

At the meeting we were invited to at the Canberra Health Services building in Woden this tin-eared government presented the idea that Arthritis ACT do not really know the exact conditions of their users. That is untrue. If the government do not know the exact conditions of the users it is because they have not been listening or have not been asking or have not even read the information already provided to them by that organisation.

Now we hear that the minister has back-pedalled and people will not be asked to provide referrals. The implication made at the meeting was that there would be some process where a clinician would check.

**Ms Stephen-Smith:** We listened to people!

**MRS JONES:** Yes—who would think that Arthritis ACT might actually know what their members' needs are! Good lord! The government has taken a typically sinister approach towards that community group, saying, "Oh, Arthritis ACT has been conducting services that haven't perhaps had the level of supervision they should have." Who was funding them, minister? Who was telling them what was acceptable and what was not? Who was providing the funding for the services they provide? This government. So, minister, you should be apologising to Arthritis ACT if you think there has been a problem in the agreement with the ACT government, because it is your government that had that agreement with them.

Arthritis ACT have gone above and beyond, over and over again, to provide far more people with a service that they can use and get benefit from than the government was prepared to properly fund them for. We will be watching very carefully from this side because it is in the nature of this government to be abusive towards community groups when they stand up to them. Who would have guessed that, instead of thanking Arthritis ACT for going above and beyond for their members, this government would effectively accuse them of not providing enough safety as a result of the government's own grant and support system.

The minister said she has apologised for what she called speaking at cross-purposes—which I call not listening, not understanding, not being that interested. Unfortunately, she has continued the same behaviour by allowing a report to be produced which does not have any solution in it. It does not even offer an interim solution. It does not even say, "Well, there's a swimming pool here and a swimming pool here. We're going to make sure they're heated to 34 degrees and then we're going to have them open X number of hours of the day." Instead, they want to put the focus on Arthritis ACT and the good work they have been doing over many, many years.

It is a disgrace to try to turn this into a debate about the Canberra Liberals. If it were not for us, that pool may well be closed by now, and the minister knows that very well. An apology only means something when the person giving it makes a commitment to change their behaviour and not continue doing what they were doing before.

Yes, there is a dilemma—the dilemma is that it is very aged infrastructure. The dilemma is that, as everybody here agrees, the pool cannot stay open for the long-term. But it can stay open for the short term, and perhaps the minister should be more up-front with people and tell them about the building works going on above, below and around the pool and what is intended to be built on that site.

I do not think anybody is against improvements at the hospital, and the members who use the swimming pool have a right to know what the heck is going on at that site. There is probably an argument, which they would accept and understand and agree to, for better health care for another group of people. But this government is so disrespectful of people that it thinks it cannot tell them the whole story.

This debate will go on indefinitely until a reasonable solution is found. People have worked out that the government has not been listening to them, has a tin ear and makes excuses and fake apologies. We hope and expect that this group of health users will have their needs met on the south side while a report is done into the building of a new facility.

**MS LAWDER** (Brindabella) (11.09): The mismanagement of the proposed closure of the hydrotherapy pool at the Canberra Hospital is yet another slap in the face for older Canberrans, which is what I want to focus on today. My colleague Mrs Dunne has spoken about the issues of the pool itself, and I want to highlight the broader issue that it is negligent of the needs of older Canberrans, who are very large users of hydrotherapy facilities.

This is yet another example of how this ACT government continues to ignore the needs of older Canberrans. They have consistently and disproportionately hit older Canberrans hardest, such as with rate rises and difficult to access and uncoordinated services. Under this government it is sad to say that the needs of seniors are largely being ignored and they are treated as second-class citizens. The Labor-Greens government have shown over and over again their disregard and their lack of priority for older Canberrans.

Currently over 70,000 people in the ACT are over the age of 60, and this will only increase with the ageing of the population. In its rush to be hip and trendy the government is neglecting the very real needs of older Canberrans. These are the people who have spent their lifetimes building and contributing to the wealth of the city. They have made Canberra what it is today, and it can be enjoyed by all. But now many of them are to be denied easy access to a hydrotherapy pool.

Older Canberrans need to socialise and mobilise to live happy, healthy lives. Hydrotherapy has many benefits in health and healing—it reduces muscle tension and relieves pain, rehabilitates injured muscles, boosts the immune system, encourages

detoxification and relieves stress. Persistent and chronic pain is much more prevalent in older people, affecting one in three people over the age of 65, as documented by Painaustralia.

A hydrotherapy pool can contribute to seniors having an active social lifestyle. Seniors who make a conscious effort to stay socially active and engage in relationships are known to enjoy multiple health benefits. Studies have shown that socially active seniors have five things in common—increased physical health, a boosted immune system, a more positive outlook on life, improved mental sharpness and longer, happier lives. There are all these benefits for seniors, yet the hydrotherapy pool is not a priority for this government.

We know what the Chief Minister thinks about older Canberrans—he does not value them or their contribution, and he has spoken about that publicly. He seems to wish that older people would leave Canberra and retire down the coast so that he no longer has to worry about them. For example, the chairperson of the Inner South Canberra Community Council once said that Mr Barr had long made it clear that he was only interested in talking to younger generations.

We have spoken about the hydrotherapy pool many times in this place. To me, it goes back to the debate on health we had yesterday on the Appropriation Bill—it demonstrates yet again the government's lack of planning and lack of leadership. We have talked about the pool approaching the end of its useful life. Is it a surprise to the government that this has occurred maybe in the past couple of months? This government has been in power for years. Suddenly they want to use that space for something else, so conveniently we have to get rid of the hydrotherapy pool.

We have already agreed in this place that we should keep that hydrotherapy pool open until a suitable replacement is available on the south side of Canberra. That does not mean going to other swimming pools. We are not talking about swimming or aqua aerobics; we are talking about hydrotherapy, where a certain temperature in the pool is important for its medical benefits, as opposed to the wrong temperature potentially making people worse and exacerbating their pain.

I commend Mrs Dunne for continuing to progress this issue and representing the many, many Canberrans who feel so strongly about it. The government are trying to brush this underneath the rug and come up with as many excuses as possible as to why they will continue to do what they have always wanted to do, despite all the community concerns to the contrary. I thank Mrs Dunne for bringing the motion forward today.

**MADAM SPEAKER:** Mrs Dunne, are you speaking to the amendment and closing the debate?

**MRS DUNNE** (Ginninderra) (11.15): If no-one else wants to speak, I will do both, Madam Speaker. I thank members for their contribution to this important issue. I note that it was after I rose to my feet to speak to this motion that the minister circulated her amendment. As usual, she is taking her—

**Ms Stephen-Smith:** I handed it to the Clerk as soon as I walked into the chamber, Mrs Dunne.

**MRS DUNNE:** This motion has been on the notice paper since Monday. In light of the fact that this was the first item on the agenda after the presentation of a bill, if the minister had wanted to have a meaningful discussion about this, she might have sent my office a copy of the amendment. You would not break any rules by doing so. It is a pattern of this government all the time—

*Members interjecting—*

**MADAM SPEAKER:** Members!

**MRS DUNNE:** especially in relation to health. I cannot recall a time, Madam Speaker, when I have moved a motion in this place in relation to health in the last 2½ years that, after I stood in this place and started to speak, the health minister has not circulated a motion. This is typical of the place. The government has taken everything out of my motion except the first paragraph. It has deleted everything and made it a seven-paragraph motion. This minister, like her predecessor, could not have the courtesy to give the opposition a heads up before we started the debate. This is typical of what I was speaking about in the motion.

This is a government who does not care, who does not want to talk about this issue. They have been dragged kicking and screaming on every occasion. The tone that this minister has taken here today is a manifestation of that. As Ms Lawder and Mrs Jones have noted, hydrotherapy is usually conducted at 34 to 36 degrees. I would like to point out to people that it is considerably less than that in the chamber here today, if someone would like to do something about that.

**MADAM SPEAKER:** Just on that, Mrs Dunne, I think we are all feeling the cold. We are looking at it.

*Ms Stephen-Smith interjecting—*

**MADAM SPEAKER:** Minister!

*Mrs Jones interjecting—*

**MADAM SPEAKER:** Mrs Jones, please! Mrs Dunne has the floor.

**MRS DUNNE:** It points out a whole lot about the tone of this that somehow the minister is trying to characterise everything the Liberal opposition says about hydrotherapy as invalid because we are not, by her description, experts. Actually, Madam Speaker, we are experts because we talk to the users. We talk to the users. We know what they want. We know what they need.

*Ms Stephen-Smith interjecting—*

**MRS DUNNE:** Minister Stephen-Smith can chatter across the chamber all she likes, but it will not drown out the fact—

*Ms Stephen-Smith interjecting—*

**MADAM SPEAKER:** Ms Stephen-Smith, please!

**MRS DUNNE:** that she and her predecessors have not and will not listen to the people who are the experts. These are the people with the dicky knees, the bad hips and the bad shoulders who would not be able to get around, who would not be able to get out of their beds of a day, if it were not for hydrotherapy. These are the people who have said to me that they were on a pain management regime, that their pain could not be managed by pain experts in the ACT until they discovered hydrotherapy.

Their lives have been literally transformed. If this government takes away hydrotherapy from these people, the result will be foreshortened, miserable lives with more admissions to a hospital that is under stress. If Minister Stephen-Smith wants to create foreshortened, miserable lives amongst her constituents, that will be on her conscience, not mine.

We have heard this from this minister over and over again. It was interesting. She said that she does not want to put words into the mouth of Arthritis ACT. But it is alright to put words into my mouth or Mrs Jones's mouth. If she goes back and reads the transcript, we have said over and over again that we understand that the Canberra Hospital hydrotherapy pool must close in the future. We understand that. What you have to do is get on with the replacement. What you should have been doing for years is getting on with the replacement. We should have had a replacement.

This is the problem with this government. They cannot plan. Their capacity for health planning is appalling. We have had an on-again, off-again refurbishment of the Canberra Hospital. It was promised in 2012. It was taken off the agenda. It was promised in 2016. It is now possible that, if they can get their act together, put together a planning group, finalise a business case and do all of these sorts of things, we might get something by 2023.

We built a women's and children's hospital that was not big enough and did not anticipate a growth in population. They promised a women's and children's hospital at the election in 2016 by 2019. It is August 2019 and they have not turned a sod. They have not even finished the planning.

Mr Rattenbury promised that there would be an adolescent mental health unit as part of that. I came in here yesterday and said that my recollection was that Mr Rattenbury had promised that it would be available in 2019. We checked the record, and I will put this on the record now. Mr Rattenbury said in annual reports hearings in 2017 that it would be available, open for use, in early 2020. So my recollection was not absolutely perfect. I put on the record that I said 2019 yesterday. But it is August 2019 now and they have not turned a sod. It is not happening in 2020. We know that it is not happening in 2020 because the minister told the health committee last week that it was happening in 2023. They cannot plan anything.

They know that there was an increased need for hydrotherapy and they have known this for five years, but they did nothing about it. They have done nothing about it. The issue is that we are now stuck in a place where this government is going to decide what is a suitable alternative arrangement, not the users. It is not the people who depend upon hydrotherapy for their quality of life. This government is going to say, "Take it or leave it."

**Mr Wall:** I wouldn't trust them.

**MRS DUNNE:** You cannot trust them. You cannot trust them because they constantly fit the narrative to suit themselves. They fit the narrative to suit themselves and they show no regard for the arthritis sufferers on the south side of the ACT and they show no regard for the hydrotherapy users.

This is why we will not give up on this. This is why we have been calling over and over again for the government to do some work and to find an alternative. The minister has hinted at things today. She has said, "We'll go out to the market." I hope they do go out to the market. I hope they will test what the community wants and what the community is prepared to provide.

When they do that, they had better be cooperative with the community. They had better ensure that if the community wants to take this on, they have the capacity to do it. If Arthritis ACT can come up with a solution that will save the ACT taxpayers money, this government needs to get out of their way, because they have been in their way for five years now and arthritis sufferers are suffering. I will not be accused of misleading the arthritis community. I will stand here and proudly advocate for them over and over again until they get a suitable purpose-built facility on the south side of Canberra. That is our commitment to them.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **National disability insurance scheme—personal services**

**MS CODY** (Murrumbidgee) (11.25): I move:

That this Assembly:

(1) notes that:

- (a) the National Disability Insurance Scheme (NDIS) provides people with a permanent and significant disability, aged under 65, with the reasonable and necessary supports they need to live an ordinary life;
- (b) the ACT was the first state or territory to sign up to the NDIS in 2013 and the first to transition all eligible participants into the Scheme in 2016-17; and
- (c) the NDIS has tripartisan support at the Commonwealth and territory level;

(2) further notes that:

- (a) the Administrative Appeals Tribunal (AAT) recently ruled that sex therapy should be considered a “necessary and reasonable support” for a NDIS participant;
- (b) the Federal Minister for the NDIS has indicated that the AAT ruling would be appealed to the Federal Court, stating that the services were “not in line with community expectations of what are reasonable and necessary supports”;
- (c) any changes to the NDIS (Support for Participants) Rules 2013 to exclude sex or services intended to cause sexual release from participants plans would be a Category A change and require agreement of all state and territory governments; and
- (d) the ACT Minister for Disability has stated that the ACT Government will not support any such rule change; and

(3) calls on the ACT Legislative Assembly to:

- (a) recognise that, like everyone else, people with disability have sexual needs; and
- (b) make a tripartisan statement in support of the provision of sex therapy and sex work under the NDIS by forwarding this motion to the Prime Minister and Minister for the NDIS, signed by the leaders of all ACT Legislative Assembly parties.

**Mr Wall:** Madam Speaker, on a point of order, I seek your guidance relating to the application of continuing resolution 10 in the standing orders, which relates to sub-judice. Continuing resolution 10(1) says:

Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

Paragraph 1(c) states:

Appellate proceedings, whether criminal or civil, are active from the time when they are commenced by application for leave to appeal or by notice of appeal until ended by judgment or discontinuance.

For the benefit of the members, I seek leave to table the final listing from the Federal Court of Australia, New South Wales registry, which shows that on 5 August this year the National Disability Insurance Agency lodged the appeal to the Administrative Appeals Tribunal’s decision to which Ms Cody’s motion directly refers.

Leave granted.

**Mr Wall:** I present the following paper:

National Disability Insurance Agency v WRMF—Notice of Appeal from a Tribunal—Federal Court of Australia, New South Registry—Filed 5 August 2019.

I point members to paragraphs 2(a) and 2(b) of Ms Cody's motion, which make reference to the Administrative Appeals Tribunal ruling. The decision also notes that the federal minister had indicated that they would be appealing that decision. It seems that that appeal has been lodged since Ms Cody drafted her motion.

**MADAM SPEAKER:** Thank you, Mr Wall. Can you just give me a moment to consider this.

*Members interjecting—*

**Mr Wall:** Madam Speaker, may we suggest that, whilst you receive advice on that, we could proceed to private members' business notice No 4? We could return to this motion following the opportunity for you to consider whether or not we debate this motion.

**MADAM SPEAKER:** I am inclined to go there. My view is that it has been appealed, but we have had matters discussed here that are before the courts and I have just reminded people a number of times to be very careful of their comments so as not to run afoul of continuing resolution 10. I am of a mind to continue, unless you are agreeable to postponing this until after lunch, Ms Cody. I am happy to proceed, but people will be put on notice to make sure that they do not run afoul of continuing resolution 10.

**Mr Rattenbury:** Can I just clarify, Madam Speaker? You are saying that there is no point of order and we can proceed with caution?

**MADAM SPEAKER:** Yes. Let us proceed, but I will be very mindful and listening quite intently. Ms Cody, you have the floor.

**MS CODY:** Madam Speaker, I like sex. I think most people do. It is a normal, healthy part of life. One of the greatest advances in our society over the last 50 years is the acceptance that sex is a natural and important part of the human experience. Sexy times are not something we should be awkward or embarrassed about. It is a bodily function as important as any other in a healthy lifestyle. And it is a bodily function that should be discussed openly and celebrated for the joy it brings people.

That is what I intend to do today. Whilst I have paid strict attention to the standing orders relating to obscenity in preparing my speech, I also intend to use the vernacular correctly. Discussing the sex lives of people with disabilities using euphemisms and infantilising language is disrespectful and damaging. There are a range of words that were once commonly used for people with disabilities that are no longer used, as they suggested less than full personhood and denied humanity. The denial of sexuality, either by the means that the National Disability Insurance Agency attempted or by using infantilising language, is a continuation of the same thing. It is the sort of thing we need to put behind us as a community.

I have brought this motion forward today because the right of people with a disability to lawful sexual release is under threat. When the NDIS was first established, one of

its founding principles was that people with a disability should be able to enjoy life to the same extent as people without a disability. Whilst the rhetoric of empowerment, respect and autonomy remains, it has been heartbreaking to see those principles trashed in implementation. And now, when it comes to the sexual release of those with a disability, here comes the paternalism, straight from the 1950s, straight from the worst of the shameful past of mistreating, institutionalising and abusing the vulnerable.

We are a better society today, but not according to the National Disability Insurance Agency, and not according to the relevant federal minister, Stuart Robert. They seem to reckon that treating people with a disability as whole people by providing sexual release—

**MADAM SPEAKER:** Ms Cody, you are running quite close. You can talk in general terms, but saying that we have been provided with proof that this matter—

**MS CODY:** This was in a newspaper article. That is fine?

**MADAM SPEAKER:** Just be very mindful.

**MS CODY:** Okay. Beyond the right to sexuality, there is another principle at stake in this debate. That is the role of government. When, as a society, we accepted the responsibility to take proper care of people with a disability, just as earlier we had done for the aged or the unemployed, some people seemed to take it as an opportunity to rob them of their dignity. The NDIS is insurance; it is not an invitation into the bedrooms of the disabled. For all the talk of libertarianism we sometimes get from the right in Australia, their enthusiasm to get into the bedrooms and lifestyles of those receiving assistance seems pervy and gross.

I hear persistent rumours that the Indue card is coming for pensioners. I see the NDIS being used not as a support for those with a disability but to micromanage their lives, to sort the worthy from the unworthy poor. I reject the idea of a society where the rich and powerful can do what they like and the poor have the morality of the worst of moralising politicians imposed upon them.

Whilst the court case was about sex therapy, my motion also captures sex work. This city has a long history of being a leader in the sex industry, be it pornography or prostitution. It is something we should be proud of. For those with a disability, the services of sex workers can be especially important. Social isolation and prejudice mean that some people with disabilities are unable to find partners. In other cases, people with physical disabilities may not be able to reach their genitals or may not have the dexterity to masturbate successfully. As a society, we should lend them a hand.

In my research for this motion, I came across some very informative case studies. I would like to highlight one now. Heidi, a sex worker from Sydney whose name is not her own, has a few regular clients who have disabilities. She told *Hack*, a Triple J publication, that people with disabilities who use sex workers for sexual experiences

are looking for the same thing that anyone else is: connection. I will quote from the article:

“Although there are clients that just come for the physical sex, the vast majority of clients are seeking some intimacy, someone to listen to them and help them unwind and relax and step away from their problems for a little while,” she said.

“Clients with disabilities are seeking the same level of human connection and intimacy, but unlike other clients, workers can be their only source of physical intimacy and sexual pleasure.”

The article continues:

Heidi says a booking with a person with a disability is pretty much the same as any other, just with a few tweaks.

“For me, it’s paying extra attention to detail. Things like helping the client undress and take off their shoes, making certain they don’t slip and can safely shower themselves, listening for any changes in body or signs of distress from nonverbal clients,” she said.

The article goes on:

Sex worker Heidi says the “harsh truth is people with disabilities are not generally seen as sexual beings”.

“They can’t swipe right or stroll into a bar, and many are unable to sustain regular adult relationships, which is why it’s so important that they’re treated like any other client with sexual desires and urges,” she said.

“Nothing makes a client feel more like a “normal person” than being treated as such.”

Madam Speaker, people with disabilities have every right, and should have every expectation, to be able to live a full life. Sex is part of that life, and every healthy adult has the right to a healthy sex life. The existence of sexually repressed politicians and administrators should not get in the way of that. The NDIS should be a scheme that spreads dignity, not one that steals it.

**MADAM SPEAKER:** Thank you, Ms Cody. The question is that this motion be agreed to. I remind people of continuing resolution 10.

**MS LAWDER (Brindabella) (11.39):** I want to begin and probably end with how disappointing Ms Cody’s motion is today. I find this disappointing on so many levels—firstly that this is all the government backbench, and Ms Cody specifically, can come up with. It is a federal issue, as are so many of the motions that come to this place. It is a federal issue. She is wasting the time of the Assembly yet again by focusing on this federal issue.

It is disappointing also that of all of the challenges and barriers that people with disability in the ACT face—some of them have trouble having someone to come to

their house to help them get out of bed and get dressed to go to work, if they are lucky enough to have a job. There are people who have trouble getting a shower more than once or twice a week because of a lack of resources. That is not to say that this is not an important issue and that people with disability do not have the same rights as anyone else in our community.

When Ms Cody was chair of the Standing Committee on Health, Ageing and Community Services there was a report into the gaps in the implementation, performance and governance of the national disability insurance scheme. There were 30 recommendations in that report. Not one of them was about sex, sex therapies or sex workers. I was prepared to give her the benefit of the doubt. I wondered whether she had conflated, either wilfully or ignorantly, the decisions of the AAT about sex work and sex therapy. By her own admission earlier, she has deliberately done it. She was deliberately conflating an issue that was specifically excluded from the judgement. She has conflated sex therapies, which were the core of the matter, and sex work, which Deputy President Rayment went to such great lengths to exclude from his judgement. This case does not, in his opinion, “throw up for decision the question whether the services of a sex worker ought, on the proper construction of the act to be funded for persons with disability if their needs require it”.

**Ms Cheyne:** This is out of order.

**MADAM SPEAKER:** Ms Lawder, I have asked people to speak in broad terms and not to make reference to the decision or to any comments that could be before the appeal. I pulled Ms Cody up when she was getting specific. I ask you to be more general in your debating.

**MS LAWDER:** Thank you, Madam Speaker. There is the implication in Ms Cody’s motion that sexual rights are human rights: there is a right to sex. There are many people throughout our entire community who do not have access to sex workers or sex therapies, for a range of reasons. This is not to exclude people with disability but to treat them the same way.

Given that there is a looming and lodged notice of appeal to the Federal Court, we are sailing very close to the wind. Once again, Ms Cody is seeking to wrongfully bind the Canberra Liberals to signing a loopy letter to the Prime Minister and the commonwealth minister for the NDIS without discussing it with us prior to this debate. She is seeking to add, to quote a *Canberra Times* article, to her string of batty headlines, trying to grab the spotlight by talking about sex and using people with disability and the idea that sex sells as a vehicle to do that. I am really interested at any time to talk about the NDIS. The NDIS is a great social policy reform.

**Ms Stephen-Smith:** That is a commonwealth matter, Ms Lawder.

**MS LAWDER:** Ms Cody has brought this to us today and it has not been ruled out of order. At the time when it was brought in, as we all know, it was supported by all Australian political parties because previously the disability sector was very underfunded and there were a multitude of schemes and programs, such as disability

equipment et cetera. This sought to bring them all under one nationally consistent scheme. In the past, very few people actually got the support that they needed, and it was not portable. If they left a provider, they risked losing services and funding.

The NDIS was and is an aspirational reform underpinned by the principles of choice and control. It has given us a nationally consistent social support scheme. As with many aspirational and enormously worthwhile schemes, the problems have been in the operationalisation, the implementation of the scheme.

I would like to put on record my thanks to Bill Shorten and Jenny Macklin, who appointed me to the National People with Disabilities and Carer Council, which ran a series of workshops which led to a report called *Shut Out*, which led to the national disability insurance scheme legislation. I well remember going to federal parliament and sitting in the gallery when then Prime Minister Julia Gillard tabled the National Disability Insurance Scheme Act 2013. It was a really emotional and powerful moment for those people who had been involved in the development of the scheme and the legislation, because we all had such high hopes for the NDIS. It was based on an explicit commitment to give effect to equal rights to social, economic, political et cetera participation of people with disability and included recognition of the United Nations Convention on the Rights of Persons with Disabilities.

There is a lot of work still to be done in the implementation of the NDIS. That work is going on all the time. As we saw in the recommendations from the health and community services committee that Ms Cody was the chair of at that time, many of the recommendations were for the ACT Minister for Disability to work with the federal minister and the NDIA on the implementation of the scheme. This remains true to this day. There are meetings regularly to progress the content of the NDIS, through the ACT minister, other state and territory ministers and the federal minister.

This, today, is not the place for grandstanding and adding to batty and loopy headlines by using people with disability to try to get a few sound bites on the radio and a few lines in the newspaper. This is a serious issue and it should not be used for cheap political gain. I am really disappointed that Ms Cody has seen fit not just to fly close to the wind with respect to the sub judice rule but also to use people with disability in the ACT for her own personal benefit.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Disability, Minister for Employment and Workplace Safety, Minister for Health and Minister for Urban Renewal) (11.49): I thank Ms Cody very much for bringing this motion to the Assembly. I have to say that I am disappointed with Ms Lawder's contribution. I am quite stunned, actually. I note that, while Ms Cody has brought forward this motion, the ACT government has also expressed a very clear position on this matter. It has not been done on the basis of grabbing headlines; it has been done on the basis of our conversations with people with disability, our understanding of the human rights of people with disability, and the fundamental purpose of the NDIS to ensure that people with disability receive the necessary supports to lead an ordinary life.

The national disability insurance scheme is a major and complex national reform. It is often described as the most significant economic and social reform in Australia since the introduction of Medicare. The ACT was the first jurisdiction to sign up to the NDIS and the first jurisdiction to have all eligible participants covered by the scheme. We signed up to the NDIS because of the promise it delivers to make a better life for people with disability, a better life in which an individual's choices and preferences are respected and accepted, and a better life because it more closely resembles what those of us without a disability would see as an ordinary life.

The NDIS, at its core, enshrines the right for people with disability to participate in community, social, economic and daily life activities. The stated aims of the NDIS include that people with disability are able to purchase supports and services that will help them achieve their goals, to help them lead a life they choose. The NDIS can achieve this because of the fundamental principle in its design that people with disability have choice and control, individual autonomy and the right to participate fully in society. This key design feature of the NDIS is very deliberate and aligns the scheme with article 3 of the United Nations Convention on the Rights of Persons with Disabilities, to which Australia became a signatory in 2008.

Article 3, which outlines the general principles of the convention, states as the very first of these principles that there will be:

Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons ...

Choice and control are therefore fundamental to the way the NDIS is supposed to operate, which represents a break from previous welfare approaches. This is what makes the NDIS so groundbreaking. The scheme does this by providing people with disability the power to use their funds in their plan to purchase services that reflect their lifestyle and their aspirations.

Sexuality is a key aspect of human development and identity. It is now well understood in the human rights community and more broadly in society that people with disability are no different in this regard, even if others in the community are uncomfortable with the idea of people with disability as sexual beings. It is sad that we continue to hear that people with physical and intellectual disabilities in today's society are often regarded as non-sexual adults. Disability stereotypes add to the difficulty and stigma experienced by people with disability. Quite often, individuals with intellectual disabilities and/or psychosocial disabilities are thought to have limited social judgement and therefore to lack the capacity to engage in responsible sexual relationships. This reasoning has contributed to mass involuntary sterilisation of persons with cognitive impairments. But while physical and cognitive disability may significantly alter function, they do not eliminate basic drives or the desire for love, affection and intimacy.

In my opinion piece earlier this week in the *Canberra Times* I noted that the Canberra community had been fortunate to have Jenni and David Heckendorf with us for a long period of time. They have now moved to sunny Queensland. They have written about

their experience. I want to share that with the Assembly today because I think it speaks directly to Ms Lawder's comments. David particularly is a fierce advocate for people with disability and has advocated on this issue for years. I will not read the whole background to the story. David and Jenni met when they were quite young. After a courtship, they married. They both have cerebral palsy, which restricts their movement, muscle control, and speech. They rely on carers to feed, dress, and shower them. David says:

Notwithstanding these challenges, we were doing remarkably well with support from ACT government-funded home care services. That was until September 1st, 2008 when Jenni over-balanced transferring from the bed to her wheelchair. She landed awkwardly and broke bones in her left foot, which weren't properly diagnosed or treated for several months.

This fall had long-lasting consequences on Jenni's health generally and on our sex lives. Her prolonged and mostly unsuccessful recovery resulted in Jen having further reduced mobility in and out of bed. It meant we had to take extreme care not to touch or bump her foot. We had been fully independent in bed but after the fall the effort involved became too much. We tried different toys and different positions without joy.

Two years after the fall we were at a point where we had to make a decision to either give up on enjoying sex or to investigate the possibility of allowing a third person into our bed.

We were way too young to stop having sex.

Sex is important in most long-term relationships because it increases the pair-bonding by releasing the 'love hormone' oxytocin. There is also scientific evidence to suggest that sex has a range of health benefits associated with our immunity, heart, blood pressure, reduced risk of prostate cancer, pain and stress relief.

In early 2011 we arranged for a sex worker, Joanne, to begin working with us. With each visit we had to remind ourselves that she wasn't there to make 'love' to us. Rather, in the same way that our support staff ensure that we remain in good physical health—by showering, feeding, and dressing us—Joanne helps us to maintain good sexual health.

Also in 2011 we successfully approached the ACT government to extend the funding of our disability care support to cover these conjugal support services. In December 2015, the National Disability Insurance Scheme ... agreed that, in our situation, a modest allowance for conjugal support service would be reasonable and necessary.

Jenni and I still enjoy doing a lot of activities together. For instance, we work out at the Spastic Centre's (now the 'Cerebral Palsy Alliance') Canberra gym, challenge each other at online Yahtzee, visit our favourite local cafe for morning coffees, and cuddle up in front of our favourite television shows ...

Doubtlessly, sex is critical to all marriages. Our love for one another and shared history means sex is important for our marriage too. And, just as with other activities, we just need the right support to make this part of our life happen.

In this case, of course, David and Jenni have been receiving this support to support their lives as a married couple, but single people have sexual needs too. I think it is absolutely tragic that the commonwealth's current position on this matter could mean—

**MADAM SPEAKER:** Careful on making reference—

**MS STEPHEN-SMITH:** Sorry—on the rules for NDIS participants. This has nothing to do with the court case at all. The commonwealth has expressed a view on this matter, which I will get to. It could mean that David and Jenni lose a support that the NDIS has previously agreed that they should receive.

The views, approaches and rules that have shielded or even prevented people with disability from being sexual beings are out of date and they must change. According to the World Health Organisation, sexuality is an integral part of the personality of everyone. It is a basic need and an aspect of being human that cannot be separated from other aspects of life. There are numerous studies on the importance of intimacy and sexuality to people's health. As Matthew Bowden, co-chief executive of People with Disability Australia, has said, sex is a very ordinary thing. The ACT government agrees.

We stand by the original aims of the NDIS to make available an ordinary life with real choice for people with disability. We reject the desire for proscriptions against people with disability having sex as out of date and, in some circumstances, downright dangerous. The position being taken by the commonwealth government on this matter reflects an outdated attitude that sees people with disability as asexual or sometimes, indeed, hypersexual, and either way undeserving of sexual intimacy or release.

It is our view that any move to change the rules for participant supports is not in line with the fundamental objective of the NDIS to enable people with disability to live an ordinary life with choice and control over the reasonable and necessary supports to achieve their goals. I believe that it would in fact be a gross violation of the convention on the rights of people with disability, which refers to the importance of freedom of persons with disability to make their own choices, not just in article 3 but also in article 23, which speaks of the elimination of “discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others”.

The NDIS rules on participant supports are known as category A rules, so changing them requires the agreement of all states and territories. This is why it is a matter for the ACT government and this is why it is important that the ACT government take a clear and strong position. I urge the Assembly to do the same.

**MR RATTENBURY** (Kurrajong) (11.59): I thank Ms Cody for her motion and I rise to speak in support of it today. It is disappointing that the commonwealth government does not support allowing NDIS participants access to sex therapists, even when it is considered necessary and reasonable support in accordance with a person's

circumstances. All too often people with disability are regarded as not having a sex life at all. The Administrative Appeals Tribunal has upheld the human rights of people with disability in its ruling.

**MADAM SPEAKER:** Being mindful—

**MR RATTENBURY:** Yes, I am trying to walk that line. I think it is a statement of fact, though. Ironically or otherwise it is also in line with the fundamental objectives of the NDIS—to provide participants with the choice and control to achieve their life goals and to provide them with the opportunity to live an ordinary life. We need to listen to people with disability, and not the general community, in order to work out what are the expectations of reasonable and necessary supports. Only people with a disability can reliably articulate their own necessary supports; it is not up to community expectations in general to determine that.

People with disability have sexual needs, and some of them experience sexual challenges that require assistance and support. It is useful to point out that the ruling in the case referenced in this discussion found that a participant with multiple sclerosis should have access to the services of a sex therapist specially trained in working with people with disability. This is different to the services of a sex worker, the fundamental difference being that sex therapists do not provide hands-on sexual services but rather provide sexual education, guidance and counselling.

Having said that, I and the Greens believe there is also a place for the NDIS to provide access to sex workers for those who would benefit from the opportunity for sexual expression. Leading disability rights advocacy and representative organisations such as People with Disability Australia, the First Peoples Disability Network of Australia, Women with Disability Australia and the National Ethnic Disability Alliance have indicated that they believe the ruling in the case does not go far enough and that different a policy position should be adopted.

They are of the view that we need a rights-based framework for sexuality in the NDIS that reminds us all of our commitment to uphold the United Nations Convention on the Rights of Persons with Disabilities, signed by Australia in 2008, which states that governments have an obligation to ensure that people with disability can enjoy rich and fulfilling lives equal to others in society.

The groups call for a sexuality policy that should be positively framed and place sex, sexuality and relationships within the context of disability supports. The policy should include a broad range of goals an NDIS participant may seek to include in their plan, which might include appropriate disability inclusive sexuality and relationships education, information and resources to support individual learning needs, support for dating and social sexual engagements, access to adaptive sex toys, access to sex therapy or utilising sexual services from sex workers. These are all services that can assist a person with disability to have an ordinary life.

People with disability do not necessarily have dampened sexual desires or less need for intimacy. Much research has shown that sex can benefit physical health, quality of life and psychological wellbeing. Some people with disability may face challenges in

achieving sexual pleasure, such as in the case that was heard by the tribunal, and it is reasonable and necessary for the NDIS to fund the provision of services in this regard.

While most of us can choose who we wish to be sexually intimate with and satisfy our own needs, that is not always the case for someone with disability. While not all people with disability experience these challenges, some do not have the physical or intellectual capacity for sexual expression, and it should be legitimate that they can access the services of not only a sex therapist but a sex worker if they wish to satisfy their sexual needs. Access to such services can make a genuine, positive difference to their lives.

Another concern is whether the so-called male right to sex could lead to the sexual abuse of women, girls and boys. Organisations such as Family Planning Queensland suggest that many men with significant intellectual disabilities are perpetrating sexual offences. These offences are usually against women or children or other men who also have a disability because they are the people to whom those men have access. In effect, denying those men sexuality education and appropriate support could be increasing the risk of sexual assault against vulnerable people in our society. Certainly, access to sexual education and coaching, such as that provided by a sex therapist, can assist in understanding consent and respectful sexual practice.

Some people with disability have limited opportunities for sexual relationships because they lack privacy and are dependent on others for daily living tasks. They may be well cared for, but a lack of access to sexual release means their quality of life is diminished. Added to that, in all likelihood they do not have the independent financial means to access such services as they are unlikely to be unemployed and unable to pay for sexual services.

The NDIS allows people with disability more choice and control over their lives, and that means it allows them to decide for themselves what they want to eat, who they want to visit or what hobbies or pastimes they want to undertake. It should also mean they have a right to choose how to be intimate. Access to sex therapists and sex workers in this context can legitimately be seen as rehabilitative or positive for their mental health.

All of us, whether we have a disability or not, have a basic need to be loved and intimate, as well as to express love and affection, and this should not be denied to anybody. That is why I am happy to join in writing to the commonwealth minister to indicate the Assembly's recognition that, like everyone else, people with disability have sexual needs and calling on the commonwealth government to adopt this position and not change the NDIS rules in a way that would diminish people's ability to access these kinds of supports and therefore fulfil their needs and desires and, as much as possible, have an ordinary life. The Greens are pleased to support the motion.

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

**Sitting suspended from 12.06 to 2.00 pm.**

## **Questions without notice**

### **Chief Minister, Treasury and Economic Development Directorate—health unit**

**MR COE:** My question is to the Chief Minister. Minister, your directorate had a health unit looking at prevention and innovation. Does this unit still exist, and what were the key achievements of this unit?

**MR BARR:** Yes, this particular area did coordinate some whole-of-government activities across multiple agencies. It was reported on in the annual report for the relevant year. Some of its work has been informing the wellbeing indicators project.

**MR COE:** Why was this unit located in your directorate rather than in one of the two health agencies? Does this health prevention unit still exist by that name?

**MR BARR:** As I said, it was in fact coordinating a whole-of-government response to healthy and active living that incorporated work across a number of different directorates, sport and recreation, for example, and health prevention. I do not believe that it does currently exist under that title and, as I have indicated, a lot of its work has informed the work on the wellbeing indicators.

**MRS DUNNE:** Chief Minister, what is the total annual cost of running this unit, and have any of the staff been transferred out of this unit into the Health Directorate or vice versa?

**MR BARR:** I will take that question on notice.

### **Disability—access**

**MS LE COUTEUR:** My question is to the Minister for Disability and relates to disability access. What mechanisms will the government use to incorporate lived experience from people with disability needs into transport and urban planning to address disability access issues?

**MS STEPHEN-SMITH:** I thank Ms Le Couteur for the question but I think that, given that it is very specific to transport and city services, it is actually a question for the Minister for Transport and City Services. Nevertheless, I can give an answer in relation to the mechanisms that the government has in place.

Of course a major mechanism is the disability reference group which has a majority of people with disability, carers and family members. That brings the lived experience of people with disability into government policy across the board. The disability reference group establishes its own priority areas in which it works year on year in terms of its work plan but is also available for government to seek advice on and it determines its input into various consultations across the whole of the government.

**MS LE COUTEUR:** What is the actual role of the disability reference group, and how often does it provide advice on access issues relating to transport and urban planning?

**MS STEPHEN-SMITH:** I thank Ms Le Couteur for the supplementary. The disability reference group, as I have indicated, sets its own work plan. It determines the areas where it would like to provide advice to government on specific matters. At the moment those have been focused on health and employment. It provides feedback to the government in relation to the implementation of the national disability insurance scheme. The reference group meets regularly. I went to their most recent meeting last week and sat down and talked to them about a wide range of issues and had questions and feedback.

I will have to take on notice the question about when they most recently provided specific advice in relation to transport and city services issues. I do know that members of the disability reference group attended, for example, the light rail—I cannot remember exactly what it is called—“come and try” day that was specifically around ensuring that the service would be appropriate for people with disability, that people with disability understood how to use the service, and that people who were supporting patrons on the light rail had the experience of working with people with disability to understand how they are best supported. Members of the disability reference group were engaged in that process.

#### **Municipal services—tree removal**

**MR WALL:** My question is to the Minister for Transport and City Services. Recently the owners of the Calwell shopping centre discovered that trees located adjacent to the shopping centre on territory-owned land were causing structural damage to their property and significant damage to the paving outside the premises, causing not only a safety hazard to patrons but also concern around the structural properties of the building. Minister, your directorate approved the removal of the trees but informed the owners that they were responsible for the cost as well as arranging the removal of the trees themselves, despite the trees being located on territory land. Why do business owners who already pay exorbitant rates have to pay to have trees removed that are on government property?

**MR STEEL:** I thank the member for his question. I acknowledge that trees, while being a fantastic part of our urban lifestyle, can damage properties, particularly if they are inappropriate for the urban setting. We try to make sure that they comply with the guidelines for municipal infrastructure so that they are appropriate. In circumstances where they are not we look at what opportunities there are to have them removed if they are causing issues in relation to safety and so forth.

In relation to the specifics of Mr Wall’s question I am very happy to take that on notice and get back to him; I am not aware of the specific details.

**MR WALL:** I will give the minister a second chance. Minister, why is it that Calwell businesses are paying in excess of \$50,000 a year in rates yet have to fund the removal of trees that are on government land causing damage to their property?

**MR STEEL:** As I just mentioned, I am not aware of the exact specifics of this case. I am happy to look into it and provide some information back to the Assembly.

**MR PARTON:** Minister, perhaps more broadly, what is your plan to assess and remediate damage caused to private property by ACT-owned trees?

**MR STEEL:** In certain circumstances it is appropriate for the territory to provide compensation in relation to damage. That is assessed on an individual case-by-case basis. I am not aware of the specifics in relation to this case. I will assess those, have a look, get some advice from the department in relation to what is happening there, and come back to the Assembly.

### **Government—support for environment groups**

**MS ORR:** My question is to the Minister for Environment and Heritage. Minister, what support has the government recently provided to environment groups in the ACT?

**MR GENTLEMAN:** I thank Ms Orr for her interest in the environment. It was good to see her at the Holder wetlands on the weekend for the celebration of Landcare. We are fortunate to live in Australia's bush capital, with environmental assets ranging from the snow-capped Brindabellas to the critically endangered natural temperate grasslands. Within this setting, the ACT government recognises the wonderful contribution of ACT environmental groups and what they have achieved in protecting our environment.

With the commonwealth government discontinuing its previous funding arrangements for the ongoing operation of community and environment groups, the ACT government responded in 2018-19 by providing \$352,000 to assist Ginninderra, Molonglo and southern ACT catchment groups respectively to explore business models aimed at sustainable and diverse funding avenues.

The ACT government is also contributing towards the ongoing funding of the award winning citizen science programs, Waterwatch and Frogwatch. The Waterwatch program develops an annual catchment condition report that includes contributions of 200 volunteers conducting 1,861 water quality surveys, 199 water bug surveys and 210 riparian condition surveys. These are all good numbers.

There are also 20 volunteer ParkCare groups operating on national park estate in the ACT and 34 urban Landcare groups operating within our urban reserves. We can support the environment because of sensible economic management showing that you can grow the economy while protecting the environment. Pursuing the efficiency agenda of those opposite means cuts and threatens the bush capital.

**MS ORR:** Minister, was there any support for groups or projects in my electorate of Yerrabi?

**MR GENTLEMAN:** That is an excellent question from a member who is passionate about their local environment and nature. The Ginninderra Creek weaves its way through the Gungahlin region, via the Kaleen and Giralang suburbs, to Ginninderra Falls, then into the Murrumbidgee River. Within this landscape the Ginninderra

Catchment Group's main goal is to improve the health and sustainability of the catchment.

The government-funded Waterwatch and Frogwatch programs have a strong presence in the Gungahlin and Belconnen regions and have been running for 24 and 15 years respectively. The Gungahlin and Belconnen areas currently have volunteers monitoring over 35 Waterwatch sites and 50 Frogwatch sites, providing a comprehensive picture of water quality and aquatic diversity. Both programs also conduct activities in local schools, teaching students the importance of water bugs and measuring water quality and how to identify different frog calls.

Recent project highlights include a cultural burn conducted by the ACT government at Gubur Dhaura, the ochre procurement site in Franklin. The Giralang Landcare Group had a recent successful tree planting event in collaboration with the Ginninderra Catchment Group.

In the recently announced environmental grants, The Giralang-Kaleen Men's Shed will install nest boxes within urban open space at Yerrabi pond. I understand Ms Orr worked closely with the group to develop that proposal, an example of the dedication and service that members on this side provide to their community.

**MS CHEYNE:** Minister, what support was provided for projects in Ginninderra?

**MR GENTLEMAN:** That is another great question, from a hardworking member, who works tirelessly for Belconnen residents. Local Belconnen environment groups participate in annual ACT environment grants. This initiative, since 1996, funds community projects supporting environmental activities consistent with the ACT government's policies and priorities. For example, in the last three grant rounds over \$613,000 has been provided across 32 projects.

In Belconnen the Frogwatch program received an environment grant to deliver Frogphone monitoring trials. The aim of the project is to test this new, innovative monitoring technology to improve the efficacy and accuracy of collecting data on wildlife populations in the ACT. In the recently announced environment grants, Greening Australia, based in Aranda, were funded to create a cultural resource garden bed, which will showcase diverse native plant species and cultural practices of our traditional custodians.

There is a strong, healthy partnership between government and the community in sharing the load to improve our most valued environment. This has come about because of the sensible economic management by the government. But there is a threat. It is clear that those opposite are copying the Tony Abbott playbook, a playbook that favours Liberal mates, cuts essential services and hits the environment.

### **Budget—Aboriginal and Torres Strait Islander services**

**MR MILLIGAN:** My question is to the Minister for Aboriginal and Torres Strait Islander Affairs. Minister, as part of last year's budget, there was \$50,000 allocated to scope out and re-profile the stalled, outdated and inadequate building from which our

leading Aboriginal youth service, Gugan Gulwan, operates in Erindale. Minister, why has this funding been rolled over into the 2019-20 budget?

**MS STEPHEN-SMITH:** I thank Mr Milligan for the question and note that it was \$150,000 that was allocated to this project. I thought that Mr Milligan said \$50,000; I just want to clarify that for members of the Assembly.

This project is very important, but we have also been engaging in another important project with Gugan Gulwan in the past financial year: the establishment of the functional family therapy child welfare pilot program which Gugan Gulwan is undertaking in partnership with OzChild to deliver intensive family support services for families who are at risk of having children enter the child protection system. Obviously, the work to undertake the feasibility study with Gugan Gulwan must be done in partnership with them. It is a small organisation and there have been some capacity issues around being able to engage in that work while at the same time establishing the functional family therapy work, which has been very important.

I am pleased to say that that work, in terms of the feasibility study, is underway. It is a very important piece of work; it is a priority for us; and we will get that work completed as quickly as we can.

**MR MILLIGAN:** Minister, is it fair to expect Gugan to keep delivering services and programs when you will not even deliver them the options report for upgrades at the current facility?

**MS STEPHEN-SMITH:** I thank Mr Milligan for the supplementary. I am not quite sure what he is referring to in relation to an options report. In terms of the delivery of expanded services, of course the government has entered into arrangements with Gugan Gulwan for additional facilities for them to deliver those services. We continue to work on a proactive basis with Gugan Gulwan to ensure that they have sufficient facilities to deliver their services while at the same time undertaking this very important feasibility work to understand their needs into the future and to plan for how we will deliver those.

**MR COE:** Minister, when will the work be complete so Gugan will finally get the facilities they deserve?

**MS STEPHEN-SMITH:** I will take the question on notice in terms of when exactly we expect this work to be completed, but it is underway and it will be completed as quickly as possible. Of course, it absolutely needs to be done in partnership with Gugan Gulwan and to be led by them to determine exactly their needs but also in partnership with other ACT government agencies, including Property Group. I have taken the question on notice already, Mr Coe, in terms of the detail of that.

### **Light rail—certification**

**MISS C BURCH:** My question is to the minister for transport. Minister, my question relates to an answer you gave two weeks ago concerning the Specialist Electrical Engineering Group, the original certifier for the electrical work done on the light rail

construction. Although the Canberra Metro consortium were responsible for this part of the project, when I asked about a different certifier being enlisted to finalise the project, you mentioned that the matter was in relation to SEEG's "capacity to deliver certification on the project". Minister, why did the Canberra Metro consortium appoint SEEG to provide certification if certification of the project was outside their capacity to deliver?

**MR STEEL:** Given that the member has asked about Capital Metro, I am very happy to take that on notice and provide some details, rather than speaking on their behalf here today.

**MISS C BURCH:** Minister, did the government become aware that SEEG had been replaced before or after they announced they would not sign off on the project?

**MR STEEL:** Again, I am happy to take the question on notice and provide as much detail as I can.

**MRS JONES:** Minister, when did the government become aware that SEEG lacked the capacity to deliver certification on the project?

**MR STEEL:** As Mrs Jones will appreciate, I was not the minister at the time. It is a very specific question. I am happy to come back with the specifics on notice.

### **Arts—government investment**

**MS CHEYNE:** My question is to the Minister for the Arts and Cultural Events. Can the minister please update the Assembly on the ACT government's investment in arts and artists in the territory through the latest round of arts activities grants?

**MR RAMSAY:** I thank Ms Cheyne for the question and for her dedicated history in matters of the arts in the ACT. I was please in May to announce the outcomes of the latest round of arts activities funding for the ACT and the region. Fifteen recipients will share over \$300,000 to create works in a variety of genres and disciplines, including visual arts, literature, music, theatre and dance. This brings the number of arts activities funding recipients in 2018-19 to 31. Combined with the 59 successful applicants for our smaller grants category of under \$5,000 and our six screen arts grants, that means that we have expended over \$911,000 in arts grants in 2018-19, which is well above our annual commitment of a minimum of \$775,000, and we have funded a total of 96 artists for their work in the past year.

The arts are integral to Canberra's social fabric and economic development. Art strengthens our community and is an essential part of our identity as a vibrant, culturally rich and diverse city. Through this year's project funding, all Canberrans will benefit from opportunities to experience and engage with local arts and artists. I can advise the Assembly that there is a full list of the project funding recipients on the artsACT website.

**MS CHEYNE:** Can the minister advise what further investment in the arts in the ACT is in our budget for this year?

**MR RAMSAY:** I thank Ms Cheyne for the supplementary question. The arts portfolio includes several high profile heritage-listed buildings. In this year's budget, the government is investing in the future of some of our most iconic arts facilities, improving the roofing at Strathnairn and Watson arts centres, and site safety and accessibility at Ainslie Arts Centre and Gorman House Arts Centre.

We are working towards celebrating a major milestone for Canberra's arts and cultural heritage in 2025 when Gorman House will turn 100. This means that we are investing now in design works to ensure the building's ongoing success as an arts and artists' venue. We are also working with Strathnairn Arts Centre to plan for ongoing vehicle and pedestrian access requirements, given the adjacent development of Ginninderry. I am pleased to see the ongoing close and productive relationship between the arts centre and the Riverview development company.

We are also implementing a package of works at the historic Lanyon precinct to install new water infrastructure, to undertake building stabilisation measures and to upgrade the security infrastructure. This will be one of the largest investments ever made in ACT historic places. It will ensure that Lanyon is safe and secure for staff, for volunteers, for visitors and for tenants, and it will protect the precinct's heritage status into the future.

We will also be improving facilities at the Canberra Theatre with a further program of upgrades to enhance security infrastructure, safety and building management. These initiatives further demonstrate the government's commitment to enhancing the cultural life of our community, further cementing Canberra's status as a creative capital.

## **Visitors**

**MADAM SPEAKER:** Mr Pettersson, before I give you the call, I bring to the attention of members that we have in the chamber the 13th Australian Political Exchange Council delegation from the Philippines. Welcome to Canberra and welcome to the ACT Assembly.

## **Questions without notice Arts—government investment**

**MR PETTERSSON:** Minister, can you please update the Assembly on the government's overall investment in the arts and artists in the ACT?

**MR RAMSAY:** I thank Mr Pettersson for the supplementary question. The ACT government has a strong commitment to the arts, demonstrated through the annual arts budget of over \$10 million, which is the largest such expenditure in the history of self-government. The government also provides funding of \$9 million annually for the operations of the Cultural Facilities Corporation, which runs CMAG, the Canberra Theatre Centre and ACT Historic Places.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please! Humour aside, the minister has the floor.

**MR RAMSAY:** In addition to our election commitment of \$15 million to build stage 2 of the Belconnen Arts Centre, we have injected \$700,000 over two years into the BAC for operational support for the extended centre.

*Opposition members interjecting—*

**MR RAMSAY:** We have funded the creation of new—

**MADAM SPEAKER:** Resume your seat, minister. Stop the clock. Members, for the benefit of our delegation, allow the minister to be heard.

**MR RAMSAY:** We are pleased to have created a new position in artsACT for an Aboriginal and Torres Strait Islander-identified arts officer.

We have also funded a range of capacity building opportunities for artists and arts organisations, at \$100,000, and we have funded MusicACT to the tune of \$108,000 for capacity building programs specifically for the live music sector, in line with the government's election commitment to strengthen live music.

We are also providing \$270,000 for the delivery of pop-up community arts events and activities in Gungahlin and Woden, and over \$330,000 for a one-off funding round for community arts outreach activities. This is in addition to the more than \$1 million that we provide for community outreach programs to the ANU, the Canberra Symphony Orchestra, BAC and the Tuggeranong Arts Centre.

This government is strongly committed to supporting the arts sector through funding arts organisations, artists and community arts and events so that Canberrans can enjoy the very best in arts and culture. *(Time expired.)*

### **Transport Canberra—weekend bus services**

**MR PARTON:** My question is to the minister for transport. I refer to the *Canberra Times* article titled “Bus cancellations could continue for a year, union warns”. In the article the secretary for the ACT TWU suggested that the problem of weekend bus cancellations lies in the lack of drivers available on weekends. You have mentioned that 34 trainee bus drivers will be ready in three months. Minister, when did the government become aware that the new weekend bus services would not be properly serviced?

**MR STEEL:** I thank the member for his question. In fact, we have 10 bus drivers graduating from their training course this Friday. We are going through an ongoing recruitment process to make sure that we can deliver reliable services on the weekend. The government has been upfront in acknowledging that the reliability on the weekend has not been as high as we would like, and that is why we are focusing on the solution: recruiting more bus drivers so they can make themselves available on the weekends and deliver the 70 per cent more services we have provided under network 19.

**MR PARTON:** Minister, why did the government implement a new weekend bus network despite being warned that there were too few drivers to service it? Can the minister advise us which routes those 10 new drivers will be covering on the weekend?

**MR STEEL:** I thank Mr Parton for his multiple questions. The reality is that we could not have known exactly how many people would put up their hand for delivering the weekend services until the new network started. Now that the new network has started, with a lot more people—27 per cent more journeys being taken on the weekend, which is fantastic—we are working through some of the teething issues with weekend reliability. The focus is on increasing driver numbers overall, so that we can continue to deliver more services more often on the weekend.

**MISS C BURCH:** Minister, when did the government become aware that the new weekend services would not be serviced and why did the government not address these issues before implementing network 19?

**MR STEEL:** I thank the member for her question. As I said, since the new network started we have been looking at the issues that are coming out, some of the teething issues, and we have seen a great response from the community: more people taking up weekend bus services than under the previous network. We are monitoring the data on a weekly basis and each week since I became transport minister, which was only just after the new network started, I have been looking at that data on a weekly basis. We will look at what improvements we can make to make sure that the reliability of services is there on the weekend—

*Mr Hanson interjecting—*

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

**MR STEEL:** so that we can match the expectation of the community in relation to reliability.

**Ms Cheyne:** Madam Speaker, on a point of order, Mr Hanson intimated during his interjections that the minister was lying. I ask him to withdraw.

**MADAM SPEAKER:** I did not hear that but there was a lot of noise. Was there any reference to the minister—

**Mr Hanson:** On the specifics, I think what Ms Cheyne is referring to is: the minister said “the community is happy”. I said, “Is that true, Chris?”

*Mr Coe interjecting—*

**MADAM SPEAKER:** Resume your seat, Mr Hanson, please. Mr Coe, a point of order for something that is unparliamentary is not a joking matter. I did not hear it. I am happy to go back to *Hansard*. It was unlikely to be picked up because it is just a rabble coming from the opposition benches at the moment. I will call questions without notice and I will be very mindful of the language being used.

**Mr Gentleman:** Madam Speaker, just before you conclude on the point of order, if we could, it is highly unparliamentary to call ministers in this place by their first name, whether it is in an interjection or not. They should be given the name of the ministerial portfolio.

**MADAM SPEAKER:** Yes, that is an accepted practice in this place.

**Ms Lawder:** On the point of order, Madam Speaker, I absolutely agree with your ruling and I point out that Mr Gentleman spoke about the “Tony Abbott handbook” earlier, instead of referring to him by the title Mr Abbott or former Prime Minister Abbott. I think a lot of this is: what’s sauce for the goose is sauce for the gander. Mr Gentleman, instead of making his point, could do it as well.

**MADAM SPEAKER:** I was just saying it is an accepted practice. When it is brought to my attention I will bring it—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** You are warned, Mr Hanson.

### **Municipal services—footpaths**

**MS LAWDER:** My question is to the minister for city services. Minister, how many complaints have you had about the state of footpaths in the ACT since your appointment to the city services portfolio?

**MR STEEL:** I thank the member for her question. It is a very specific question. I am happy to provide that level of specificity in an answer on notice.

**Mr Coe:** Kevin Rudd.

**MADAM SPEAKER:** The joke goes both ways. Your colleague made quite a stand a moment ago, with reference to that sort of speak, Mr Coe.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** You are on a warning, Mr Hanson.

**MS LAWDER:** Minister, what is the average time between a complaint and a completed repair of footpath damage in the ACT?

**MR STEEL:** Again, I am happy to provide that level of specificity in an answer on notice, but I am informed there are currently 600 requests on the community path priority list. While those are not complaints—they are often simple requests for maintenance—they go on to a list and are assessed by a city services team as to whether they are a priority and some are dealt with more quickly than others depending on what priority they are given.

**MR WALL:** Minister, why is it that there are over 600 identified issues with footpaths in the ACT, and why is it that so many footpaths are in such poor repair?

**MR STEEL:** I thank the member for his question. The government continues to invest more in city services across the city. We have over 3,000 kilometres of footpaths in the ACT, which is a substantial number, and we are building more in our town centres, in areas where we know that we have missing connections in particular. It is a substantial network and we continue to maintain it and respond to requests to us to deal with identified issues.

### **Chief Minister—award grants**

**MR PETTERSSON:** My question is to the Chief Minister. Chief Minister, can you outline which community organisations are benefiting from the first round of grant awards from the Chief Minister's fund and what important services they will deliver with this funding?

**MR BARR:** I thank Mr Pettersson for the question. I can advise the Assembly that through the first round of grants from the charitable fund 29 local organisations will share in almost \$400,000 of grants to deliver a range of important community support services and to complement a range of existing government services. Grants will help groups such as the Canberra PCYC, OzHarvest, Parentline ACT, CatholicCare, PANDSI and many others. The programs that they will run with this funding go directly to supporting Canberrans who need help, for example in the areas of parenting advice for people from diverse backgrounds, people wanting to develop work skills to get a job, transitional housing for those at risk of homelessness, and young people who are struggling to connect with their family and peers. It is fantastic to see our thriving non-profit and community support sector working closely with the territory government to deliver on our shared goals of an inclusive and connected Canberra community.

**MR PETTERSSON:** Chief Minister, how has the fund helped to leverage private contributions?

**MR BARR:** It has been pleasing to see that the fund has generated significant interest by and coordination with private philanthropy in Canberra. There are some very practical examples of this, such as the Snow Foundation's support for Orange Sky Australia to run its social impact washing program. The John James Foundation is supporting the Humour Foundation to run a clown doctors program at the Centenary Hospital for Women and Children. The Achilles Running Club Canberra and Sharing Places supported projects supported by the John James Foundation. GIVIT and the Master Builders Association are providing further in-kind support to grant recipients, including the Shepherd Centre. The government, through the office for Aboriginal and Torres Strait Islander affairs, is supporting projects put forward by Toora Women Inc, A Gender Agenda and the Domestic Violence Crisis Service.

I thank these private philanthropic groups for joining with the charitable fund to coordinate their activities and funding to provide a better outcome for Canberrans.

**MR GUPTA:** Chief Minister, how are these grants complementing the government's delivery of essential services?

**MR BARR:** The fund complements essential government service delivery by funding a range of grassroots projects in many of the government's key priority areas.

Just one example that I will highlight today, Mental Illness Education ACT receives ACT government funding to design, assure and deliver its mental health 101 for youth program, which is delivered through face-to-face sessions with ACT school students. Through a grant from the charitable fund, this group will now be able to build a digital program to complement its traditional delivery methods.

Another example, Construction Charitable Works, will now be able to provide targeted counselling, case management and referral services to construction industry workers and their families.

These grants are designed to allow those working in the community to focus on what they do best: providing innovative responses to meet community need.

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

**MRS DUNNE:** My question is to the Minister for Children, Youth and Families. Minister, all children and young people up to age 14 in out of home care are to have a health passport that goes with them and allows carers to know their complete health history. In 2016, 73 per cent of those entering care for the first time were issued with a health passport. By 2017, that number had declined to 60 per cent and last year it was less than 50 per cent. Minister, how long have you been aware that this government was placing more and more kids into care without an important document such as the health passport?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the question. Obviously, this issue has arisen in light of the mid-term evaluation of A step up for our kids. That data has become available and I tabled it in the last sitting week. This is an issue that I have been discussing with the directorate around how we ensure that children and young people have health passports as they are coming into care and as they are in care.

I note that one of the issues that the directorate is now looking at is in relation to the my health record that will be created for most of those children and young people and how that can be used in place of the health passport. So there is considerable work going into this both to ensure that children and young people have that health passport and that carers have access to that but also—

**Ms Lawder:** You have not been answering her question. How long have you known?

**MS STEPHEN-SMITH:** I have already answered that question—what the future looks like in terms of ensuring that everyone who needs to have access does have good access to information about children's health but in a secure way.

**MRS DUNNE:** Minister, what specific steps have you taken to ensure that health passports or equivalent information are available to children in out of home care and that the standard returns to at least what it was before you became the responsible minister?

**MS STEPHEN-SMITH:** At this point I have sought advice on the steps that the directorate will take; I personally cannot distribute health passports to people. I have sought advice and I have made it very clear to the directorate that we need to improve this outcome. I have asked for data, and I note that the mid-strategy evaluation included data only up to the end of June last year. I have sought further advice on the current situation and what is being done to ensure that children who need health passports have them and what the next steps are in relation to future arrangements.

**MRS KIKKERT:** Minister, how are carers, including residential youth workers, supposed to make informed health decisions for vulnerable young people if this government has not provided them with the promised documents?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the question. Carers of course do have a very important role to play in supporting children and young people in our out of home care system, and that includes supporting their health needs. As I have said, I have asked for further advice in relation to this matter. I am happy to come back to the Assembly in relation to that on notice.

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

**MR HANSON:** My question is to the Minister for Children, Youth and Families: on 20 February this year you said you could absolutely assure the chamber that this government is providing a therapeutic trauma-informed response to young people in residential care. On 11 August the *Canberra Times* reported on a young person in residential care who was exposed to drug use and threatened by his housemates, including one incident where another boy broke in to his room with a knife. He became so frightened to leave his bedroom that he started urinating into a bottle. Minister, was this young person's experience in residential care the therapeutic trauma-informed response you promised us back in February? If not, why is this therapeutic trauma-informed response failing?

**MS STEPHEN-SMITH:** I thank Mr Hanson for the question, but I think he is conflating a couple of issues. Clearly the young people in residential care are some of the most complex young people we have in out of home care. Their circumstances are all different, but the behaviour Mr Hanson describes is the behaviour of a housemate within a residential care facility; it is not the behaviour of staff and does not speak to either the trauma-informed support that the staff at Premier Youthworks have been providing or the therapeutic supports that the Australian Childhood Foundation has been supporting in partnership with those staff.

I have heard directly from young people who have had an experience of residential care or who are in residential care that yes, there are difficult circumstances. I hear those things directly from the young people themselves. Yes, one of the things that

sometimes makes young people feel unsafe in residential care is the behaviour of their housemates. That is absolutely true. These are complex young people. But one of the things that makes them feel safe is the support of the workers and the Australian Childhood Foundation.

Indeed, at the launch of the CREATE report earlier this year we heard directly from a young person about the change he had experienced over the course of a year in working with their Australian Childhood Foundation worker and their case managers. The difference in that young person's going from feeling unsafe to feeling safe and having a positive view and outlook for his future was astonishing. That is the work these workers perform, and I will support them every day in doing that.

**MR HANSON:** Minister, is drug use accompanied by threats of physical violence in out of home care sufficient grounds for government intervention on behalf of a young person?

**MS STEPHEN-SMITH:** Madam Speaker, I am not quite sure what Mr Hanson means by "government intervention on behalf of a young person". There is significant oversight of residential care in the ACT. The official visitors for children and young people visit all residential care homes on a regular basis. Because of the consortium arrangements that we have in place, there are multiple agencies working with children and young people in residential care, including, as I mentioned earlier, the Australian Childhood Foundation. Our own child and youth protection services senior management regularly visit residential care facilities, and there are meetings of the senior leadership that review the cases of individual children and young people. So there are multiple avenues for concerns to be raised, and when concerns are raised about the experience of children and young people in residential care, those concerns are always taken very seriously.

It is a sad fact that the children and young people in residential care are often some of the most complex and traumatised young people in our community. Do they face challenges? Yes, they do. Do some of them have drug and alcohol issues? Yes, they do. We manage those as best we possibly can in a trauma-informed and therapeutic way. But will it create challenges occasionally for other young people? Yes, it will. And when those arise, they are addressed.

**MRS KIKKERT:** Minister, what is your responsibility when it comes to guaranteeing that oversight of the territory's residential care homes is rigorous enough?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the supplementary question. I would not say I receive a regular briefing—it is not regular as in a set time frame—but I am often briefed on what the current status of the children and young people in residential care is.

The official visitors for children and young people that I mentioned earlier visit residential care homes monthly. I receive a quarterly report from those official visitors. They all are aware that they can contact me or my office if they have concerns. They also can contact the Human Rights Commission if they have concerns that they think

should be investigated, or the senior practitioner if they have concerns about the use of restrictive practices in those facilities. As I mentioned earlier, child and youth protection services senior management also pays close attention to residential care. Whenever complaints are received, these are taken very seriously.

I take my responsibility as Minister for Children, Youth and Families very seriously. I am often briefed on individual client matters and I pay close attention particularly to those children and young people who are in residential care, some of the most complex and traumatised children and young people in our system. I take that responsibility very seriously, but I am absolutely confident that, with the oversight we have in place with the Public Advocate, the Children and Young People Commissioner, official visitors and the attention that we all pay to residential care, there is a lot of oversight of this system.

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

**MRS JONES:** My question is to the Minister for Children, Youth and Families. Minister, youth workers previously employed in the ACT's residential care system have shared with us a long list of concerns, including lack of training, understaffing, long waits for therapeutic plans, unsuitable placements, unsafe environments and difficulty in accessing counselling for children. You recently said that the departure of the current provider is an opportunity to “build in some more innovative approaches to how we deliver residential care” and make sure that children and young people are “in the best spot they can be”. Minister, over the past 2½ years you have been responsible. Why have you not previously made sure that young people in residential care are in the best spot possible?

**MS STEPHEN-SMITH:** I thank Mrs Jones for the question and ignore the imputation. I think it is a fair question. Children and young people in residential care obviously have case management across Barnados, OzChild and child and youth protection services. As I said, there has been significant oversight. I have paid a lot of attention to this since I have become minister, and over the past couple of years there has been significant oversight in the way that residential care is being delivered. But the departure of Premier Youthworks does provide an opportunity for us to look at some of the models that are being delivered by other providers in other jurisdictions and how we can work to deliver the most effective and appropriate models that meet the individual needs of children and young people in residential care.

One of the challenges we face in our community is that we are a relatively small jurisdiction with a relatively small number of children and young people, who are not able to live in home-based environments or in foster or kinship care, and developing specialist services for a very small number of children and young people is quite a challenge. But we are committed to doing that. This is an opportunity, and child and youth protection services has taken the opportunity, to look very closely at the circumstances of each of these children and young people and to try to work out with Barnados what the best solution for each of those children and young people is going forward.

**MRS JONES:** Minister, what specific innovative approaches or improvements have you discovered that you will be building into how this government delivers residential care to vulnerable children and young people?

**MS STEPHEN-SMITH:** I thank Mrs Jones for her supplementary question. As members would be aware, last year I went on a study tour to England, Scotland and Ireland. One of the places that we visited there—Mrs Kikkert has talked about it before—was a specific purpose-built residential facility in Scotland that had up to six children and young people in a residential unit at any one time. This is not the way that we have been delivering residential care here in the ACT, where it tends to be a maximum of three, maybe four, but generally two or three young people together.

I think there are opportunities. I was recently in Melbourne visiting a specific therapeutic residential care home where again there were four young people in that home. I think we have an opportunity to consider some specific purpose-built residential facilities that would house more young people together, which has not been Premier Youthworks' preferred model but which does provide the opportunity for staffing ratios that allow more staff to be in the home at any one time without actually increasing the staff-to-resident ratio.

In terms of the therapeutic partnerships that we visited in Melbourne with specialist therapeutic providers, we do, of course, already have the Australian Childhood Foundation as a partner in ACT Together here. But in terms of specialist therapeutic care including from university specialists and the provision of support from VACCA, the Victorian Aboriginal community controlled childcare organisation and the partnership that they have, obviously we do not have an Aboriginal community controlled childcare organisation here in the ACT yet. That is something that has obviously been a recommendation of the Our Booris, Our Way review.

There is a range of partnership models that we would consider and a range of specific support models that we could consider. One of the other ones that we visited in Victoria was specifically focused on supporting girls and young women who had experienced sexual exploitation which, sadly, is also something that we know exists in our community. That was a very specific service response for those girls and young women.

Those are the kinds of things we want to do. We want to draw on the expertise of the non-government sector and our academic partners in this space. We do not have any specific models in mind that we are committed to right now because we are still working through that.

**MRS KIKKERT:** Minister, what else are you proactively doing to make sure that the partnership model and the specific model that you just mentioned are going to be implemented in the child and youth protection service system?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the supplementary. There is a lot of work going on within child and youth protection services and with Barnardos to understand what the opportunities are in terms of another provider coming into the

ACT Together consortium, what they might offer and how that will fit with our existing service systems. It is bit of a “how long is a piece of string” question but that is a key focus of the work that is going on at the moment.

### **Municipal services—community facilities**

**MR GUPTA:** My question is to the Minister for Community Services and Facilities. Minister, can you please update the Assembly on the upgrades to community facilities provided for in the 2019-20 ACT budget?

**MR STEEL:** I thank Mr Gupta for his question. Through the 2019-20 budget the ACT government has been investing in the community infrastructure that provides many community organisations with a home to deliver vital services to the Canberra community.

I can confirm that the ACT government will be undertaking upgrades of at least 17 community facilities across the territory. This investment includes more than \$1.3 million worth of work to the roof, window frames, floor coverings and insulation at Maitland House in Hackett, and new lifts and floor coverings at the Belconnen Community Centre.

The Mount Rogers Community Centre will receive improvements to its heating, ventilation and air-conditioning system, as will the Tuggeranong Community Centre. Community groups in Woden Valley will see half a million dollars worth of upgrades to the Pearce Community Centre, to the roof and floor in particular. Early childhood services in the territory are also benefiting from upgrades, with the Spence Children’s Cottage seeing a facelift, with improvements to wet areas.

These facilities are an integral part of the life of many Canberrans. They are places that provide vital services to the community, and the government is investing in them through the budget.

**MR GUPTA:** Minister, how will these works improve accessibility and comfort for Canberrans using these facilities?

**MR STEEL:** I thank Mr Gupta for his supplementary question. The ACT government recognises that our community centres provide key hubs for people to come together to form connections with one another and find meaning in their lives as well as to access vital services. The ACT government is committed to ensuring that these facilities not only are kept in good condition but are fit for purpose and accessible for the community to use. That is why many of the upgrades that were funded through the budget are aimed at ensuring that our community facilities are easy to use, easy to access and safe.

Across the 17 community facilities that are being upgraded, we are funding \$1.2 million of improvements to safety and removing hazardous materials from buildings that are in the ACT Property Group’s portfolio. We are making improvements to heating, ventilation and air conditioning, ensuring that spaces are comfortable all year round and improving environmental efficiency. One particular

example, the Civic Youth Centre, will be receiving a roof restoration to help repair the ceiling and keep the centre dry, while the Hall community precinct will have potentially dangerous materials removed.

I look forward to these upgrades being completed and the community continuing to enjoy the community facilities that are available to them across the territory.

**MS CODY:** Minister, what benefits do facilities like these across the territory provide to everyday Canberrans looking to engage with their local community?

**MR STEEL:** I thank Ms Cody for her supplementary. Our community facilities provide a safe and affordable space for community programs and initiatives to take place and are highly valued by Canberrans. Organisation like the Men's Shed regularly use venues across the ACT and provide invaluable support to men in the community and also allow them to give back to the community by the work that they do. That is why we committed to building the Hughes Men's Shed, a further investment which was made through this year's budget.

The Yarralumla Woolshed and Albert Hall are well known to most Canberrans and are historic and significant venues in our city that are available for hire for large gatherings and events. We will continue to invest in those types of heritage buildings which have been the venue for many significant events throughout the years in the territory, and many significant weddings as well that I have attended.

Through the 2019-20 budget, ACT Property Group are also investing in the maintenance of and repairs to a range of facilities. That will also have a focus on the heritage buildings that we have so that those building can be enjoyed by generations to come. Whether large or small, the benefits that these facilities provide for all of us are important, and I am very proud that our ACT government has been able to deliver further investment in these facilities through the budget.

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

**MRS KIKKERT:** My question is to the Minister for Children, Youth and Families. Minister, the KPMG mid-strategy evaluation found that the percentage of kids who have a therapeutic plan within six weeks of entering care and protection declined from 64 per cent in 2016 to only 45 per cent in 2017 and then dropped even further to 22 per cent last year, even though this plan is meant to inform a child's placement and the supports she or he receives. Minister, when did you first learn that fewer than one-quarter of all children and young people entering the territory's care were receiving a therapeutic plan in the recommended time frame, and when did you first take steps to fix this problem?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the question. Of course, there is a lag in the data coming out, so I am not able to answer the question about the specific data in terms of when I first became aware, because I do not necessarily have a record of that. What I can say is that we have been aware for some time that there was a challenge in providing those therapeutic assessments. That was in part a staffing and retention challenge.

The Community Services Directorate acted well before the mid-term evaluation was released. We remain committed to ensuring that all children and young people in out of home care do have an initial therapeutic assessment. The Community Services Directorate has engaged the Australian Childhood Trauma Group to facilitate the completion of approximately 270 therapeutic assessments by June 2020. There were 110 therapeutic assessments completed in 2017-18 and 229 in 2018-19.

This is a challenge that the Community Services Directorate was aware of, and certainly made me aware of, well before the completion of the mid-term evaluation report, and has acted to address it. The work of the Australian Childhood Trauma Group will, as I said, facilitate the completion of approximately 270 therapeutic assessments by June next year.

**MRS KIKKERT:** Minister, why did you allow this significant backlog of important therapeutic plans to occur during your first 18 months as minister?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the supplementary. In terms of the challenges that are faced in recruitment and retention of specialist staff in this area, the first attempt was to try to ensure that we recruited and retained appropriate staff. When it became clear that that was not going to be the case, the Community Services Directorate took steps to engage an external provider to ensure that those therapeutic assessments could take place. I acknowledge that that resulted in a lag in the process, but I would certainly reject any assertion that either I was not aware of or acting on it or that the Community Services Directorate was not aware of or acting on the issue.

**MR PARTON:** Minister, how are providers able to give kids the right placements or supports when this government provides so few of them with the required therapeutic plan on which those decisions should be based?

**MS STEPHEN-SMITH:** I thank Mr Parton for the supplementary question, but I think it goes to a point around what exactly a therapeutic assessment is. There is quite a lot of misunderstanding around this. It is not that a therapeutic assessment is required before a caseworker can understand the needs of a child or young person. So it would be a mistake to say that without a therapeutic assessment no-one can make any decisions about the right place or choices or programs for children and young people.

**Ms Lawder:** The question was not about the assessment; the question was about a therapeutic plan and only 22 per cent having a plan, not an assessment, and how—

**MS STEPHEN-SMITH:** They are the same thing!

**Ms Lawder:** Well, how can you make decisions about them if you do not have it?

**MADAM SPEAKER:** There is no need for a conversation across the floor, Ms Lawder.

**Ms Lawder:** Apparently there is.

**MADAM SPEAKER:** No there is not.

**Ms Lawder:** She started it.

**MADAM SPEAKER:** Ms Lawder, enough.

**MS STEPHEN-SMITH:** I can assure the Assembly that caseworkers in child and youth protection services and Barnardos work very closely with carers and with care teams for children and young people. It is really important, again, to acknowledge that decisions about the care of children and young people are generally made in the context of care teams and that people across those teams have a good understanding of where children and young people are at and what supports they might need. So while a therapeutic assessment or a therapeutic plan is important and we are committed to ensuring that those plans are completed by June 2020 as I have described, and it is unfortunate that there has been this lag, I can say that we are absolutely committed to ensuring that children and young people get the supports they need when they need them.

### **Sport—female participation**

**MS CODY:** My question is to the Minister for Sport and Recreation. Minister, what are some of the ways that government is supporting sport participation opportunities for women and girls?

**MS BERRY:** I thank Ms Cody and acknowledge her enthusiastic support for creating more opportunities for women's and girls' participation in sport. On the back of significant government support, the Canberra community has a great opportunity to get behind their elite sportswomen in basketball with the University of Canberra Capitals, in football with Canberra United, and in netball with the Giants. Funding certainty has helped these awesome teams of women to focus on their sport and give back to the Canberra community. And haven't they given back! I am sure all members were excited to see the UC Capitals go big and secure the championship earlier this year.

In all sporting peak bodies, the government has been driving greater gender diversity in leadership and decision-making following my 2016 announcement that by 2020, next year, all peak bodies funded by the ACT government through their triennial agreements were required to achieve 40 per cent representation of women on their boards or risk being ineligible for funding. In 2017, in response to feedback from women and girls about the need to showcase all that is happening in female local sport and recreation, and more broadly in health and wellbeing, the government worked with HerCanberra to establish the HerCanberra active portal.

Another key part of the government's election commitment to pursue gender equity in sport was the development of female friendly guidelines for sporting pavilions, which is being delivered through, for example, upgrades at Dickson and Phillip ovals and GIO Stadium as well as community sports pavilions. Finally, a few weeks ago I was happy to announce the recipients of the government's elite coaching scholarships for women.

**MS CODY:** Minister, how will the government's elite coaching scholarships for women contribute to women's participation in sport?

**MS BERRY:** I thank Ms Cody for that question too. Of the 160 coaches accredited at the 2016 Rio Olympic Games only 15—or nine per cent—were women. That was down from 12 per cent at the 2012 London Olympics. In 2019 not a single head coach of an Australian Football League Women's team is a woman, while only two W-League soccer coaches and less than 40 per cent of head coaches in the Women's National Basketball League are women.

The 2018 women in sport forum held by the ACT government highlighted the unique perspective and value women coaches can bring. There are lots of quality women coaches, and yet despite the continued development and growing profile of women's sporting competitions pathways for women coaches appear more constrained than ever.

Through the government's elite coaching scholarships, 13 women coaches across 12 sports have received up to \$5,000 to help them progress to higher level coaching positions. Women coaches bring a unique perspective and value to all sports. These new scholarships will assist to bridge the current gap in the coaching development opportunities for female coaches and link participants through their sports to high-level coaching education and resources.

Recipients supported by a state sporting organisation or team will have access to coaching-specific education and training through accreditation courses, mentorships with peak bodies and sports teams as well as coaching equipment and other costs associated with the recipients' coaching programs.

**MS ORR:** Minister, who are some of the recipients of the elite coaching scholarships for women?

**MS BERRY:** I thank Ms Orr for her interest in this important matter. Recipients of the government's elite coaching scholarships come from a range of sports. There are women coaching in Rugby League, swimming, baseball, touch football, Rugby Union, boxing, table tennis, netball, athletics, cricket and basketball.

Among the recipients is Karen Pon, a coach with Table Tennis ACT. Through her scholarship, the government is assisting Karen to regain her accreditation as well as prepare her for the next level of coaching by working with a mentor coach. Karen will be learning from higher level coaches and using that knowledge and experience to support the growth of table tennis in the ACT and the development of athletes and coaches.

Another recipient is Madeleine Fleming, who is head coach with the Woden Valley swim club. The scholarship is assisting Madeleine to continue towards formal coaching accreditation. Members may have read a little of Madeleine's story in HerCanberra. Madeleine shared there the significance of how this scholarship will enable her to formalise her achievements as a coach. Madeleine is one of few female

head coaches in the region and leads a team of majority women. She is a great example of women providing leadership in sport.

The government's elite coaching scholarships for women will provide an exciting new pathway for women and builds on the growing momentum that is enhancing sport participation opportunities for women and girls.

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

### **Supplementary answer to question without notice Disability—access**

**MS STEPHEN-SMITH:** I have further information in relation to the question Ms Le Couteur asked earlier in question time about the role of the disability reference group in relation to access and transport. I can advise that on 7 August 2018, officials from Canberra Metro and Transport Canberra and City Services consulted with disability reference group members on accessibility and communications around the light rail. Further to this meeting, information was sought by Canberra Metro on accessibility and tactile surface indicators, and advice was subsequently provided by disability reference group members.

On 28 and 29 March 2019, disability reference group members attended two of the Canberra Metro light rail familiarisation days, as I mentioned, and provided feedback on their experience. On 10 April 2019, officials from Transport Canberra and City Services attended the disability reference group meeting to discuss with members the best way to engage with people with disability and identify priority transport issues for people with disability. On 20 May 2019, the Office for Disability collated the feedback and input from the disability reference group on priority transport issues for people with disability and provided this to the customer engagement manager from Transport Canberra and City Services.

On the broader issue of advice from the disability reference group on urban planning, I can advise that in 2018 the Environment, Planning and Sustainable Development Directorate engaged some members of the disability reference group and the Office for Disability in the development and shaping of the innovation housing fund, round 2, for which final outcomes will shortly be announced.

The housing and policy team at the Environment, Planning and Sustainable Development Directorate also engaged with the having a home forum in November 2018 and provided a public presentation on work happening in that space in relation to housing for people with disability.

### **Sub judice convention and continuing resolution 10**

**Mr Wall:** Madam Speaker, I raise a point of order. Before we resume the debate on the next motion—I believe that Ms Cody's intention is to close the debate once it resumes—I seek your guidance in relation to the sub judice provisions in relation to Assembly business notice No 3.

As you are aware, Madam Speaker, earlier this morning I raised a point of order in relation to sub judice, given that the matter has been lodged for appeal with the Federal Court, as to whether or not the motion contravenes the Assembly's sub judice provisions. Your ruling was that members should be warned of that provision and that the debate can occur as long as members are cautious in respect of the Assembly's continuing resolution No 10.

I wish to seek further advice, given that the majority of the debate has been conducted, in respect of paragraph 3(b) in particular in Ms Cody's motion. Whilst it is an expression of opinion of the Assembly that the NDIS facilitate both sex therapy and sex work under the NDIS, that is the crux of the appeal that has been lodged with the Federal Court.

Whilst it is only an expression of opinion, I think that there is certainly substantial thought on whether or not that would contravene the sub judice rule or, worse, be in contempt of the Federal Court. I would point you and other members to paragraph 10.92 in the companion to the standing orders.

**MADAM SPEAKER:** Sorry, Mr Wall, are you referring to paragraph 3(b)—

**Mr Wall:** Particularly 3(b).

**MADAM SPEAKER:** which calls on a tripartisan statement of support?

**Mr Wall:** Yes, correct.

**MADAM SPEAKER:** And what is your reference in the companion?

**Mr Wall:** Paragraph 10.92 of the companion to the standing orders, which is a reference to Odgers, by which we are tied through our standing orders. It quotes the remarks of Spender J of the Federal Court where he states:

... if the effect of a public prejudgement is to undermine public confidence in that judgement, even though it does not affect the process by which that judgement is reached, that equally is a contempt.

It continues on, but the critical point there is whether or not it influences the court. If so, it could be considered a contempt of the court. It is certainly my opinion that we are probably treading very close to contravening this sub judice. There are probably a couple of options that I suggest. One might be that we adjourn this matter and allow Ms Cody to consider an amendment, which would allow the motion to pass without contravening, or we adjourn it until a later hour.

**MADAM SPEAKER:** Thank you. There are going to be other comments on this point of order. I will hear Ms Stephen-Smith and then Mr Rattenbury in that order.

**Ms Stephen-Smith:** I think I made very clear in my contribution to the debate that the rules for the NDIS supports for participants are category A rules that are made by the

commonwealth in consultation with all states and territories. They require the agreement of all states and territories. The NDIS supports for participants rules 2013 are not the subject of the court matter, as far as I am aware. The subject of the court matter relates to a decision by the NDIA, the National Disability Insurance Agency, in relation to what are reasonable and necessary supports for an individual participant in an individual case.

Paragraph 3(b) relates to any attempt by the commonwealth to propose a change to the national disability insurance (supports for participants) rules 2013, which is what the commonwealth would be doing if it were to act on this matter, and the ACT's position in relation to any such rule change.

**MADAM SPEAKER:** Mr Rattenbury, on the point of order.

**Mr Rattenbury:** In considering this, Madam Speaker, I point you to continuing resolution 10. It is not a numbered paragraph; it just sort of hangs there, but it states:

... where a ministerial decision is in question, or in the opinion of the Speaker a case concerns issues of national importance such as the economy, public order or the essential services, reference to the issues or the case may be made in motions, debates or questions.

I think this points to an explicit expectation by the Assembly that even if a court case is going on, matters of national policy may still be debated. I think that Ms Stephen-Smith has just alluded to this in her comments. Under your direction, members have been careful not to seek to express particular opinions on the case. But I think it is fair, as the motion speaks to, that we discuss the policy questions behind it and not be constrained by the court case. That is what I think standing orders speak to in that paragraph.

**Mrs Dunne:** On the point of order, Madam Speaker—

**MADAM SPEAKER:** Can I get to you in a moment, Mrs Dunne? I want to confer with the Clerk. Mrs Dunne on the point of order.

**Mrs Dunne:** On the point of order, I also draw your attention to the final dot point in the previous paragraph 10.19 of the companion. It talks about the principles we need to consider when we are talking about sub judice. It is the principle of comity. It is stated:

... that the legislature and the judiciary should, as far as is possible, avoid intruding in each other's areas of responsibility.

Further, in paragraph 10.92 it is stated:

... evidence received by the House of Commons Procedure Committee suggested that the principle of comity was as important as the risk of prejudice.

Madam Speaker, I think that Mr Wall has offered a suggestion. It is not actually about the policy issues that Mr Rattenbury spoke about but about how we frame that. There

are two mentions in paragraph 2 specifically about the AAT matter, which is subject to appeal. Ms Stephen-Smith makes the point that she was concerned about the rules, which were referred to in paragraph 2(c). My concern is that in paragraphs 2(a) and 2(b) we are specifically referring to an AAT matter.

If Mrs Stephen-Smith is correct and the issues are about the rules and not about a specific case, it could be amended to remove those two paragraphs. Then we would be free and clear and there would be no question about sub judice. Could I let that sit with you—

**MADAM SPEAKER:** Yes.

**Mrs Dunne:** Could I suggest that we adjourn this matter for a later hour today while that matter is sorted out?

**MADAM SPEAKER:** Thank you. For the interest of members, I was looking at paragraph 2(b) in particular and at an option to actually remove that from the motion, in which case we could get on with the quite principled discussion that everyone in the Assembly appears to think is a worthy discussion and debate to be had. Would removing paragraph 2(b) be satisfactory?

**Mrs Dunne:** Paragraphs 2(a) and (b).

**Mr Rattenbury:** Paragraph 2(a) is a statement of fact.

**Ms Cody:** Paragraph 2(a) is a statement of fact.

**Mrs Dunne:** But it is still hinges on the issues of comity.

**Ms Cheyne:** Does it? No, it is not commentary.

**Mrs Dunne:** No, comity; not commentary.

**MADAM SPEAKER:** My position is that I think we could progress with the removal of paragraph 2(b) and allow this important discussion to continue. Mr Gentlemen, did you have something further to add to my view?

**Mr Gentleman:** Yes, I did, Madam Speaker. I want to raise in the discussion continuing resolution No 10. It starts with, “Subject to the discretion of the chair”.

**MADAM SPEAKER:** Yes.

**Mr Gentleman:** It is your discretion. I think it is a long bow to be calling here for sub judice. In relation to Mrs Dunne’s points, it is not interfering with the judiciary, as Minister Stephen-Smith has made very clear. I would also suggest that it is open to Mrs Dunne and Mr Wall to bring amendments if they do not support paragraph 3(b) in Ms Cody’s motion.

**Mr Wall:** It is also in the power of the Speaker to ask that it be amended.

**MADAM SPEAKER:** Thank you, Mr Wall, for reminding me of my powers. I will use them now—

**Mr Wall:** I am reminding the Manager of Government Business.

**MADAM SPEAKER:** and I will remove paragraph 2(b) from the motion and allow the debate to continue. I am removing paragraph 2(b).

**Mr Wall:** Madam Speaker, I think we may have amended that power when we did our review of standing orders?

**MADAM SPEAKER:** I am looking at paragraph 9.25 in the companion.

**Mr Wall:** Yes, the companion is well outdated by our standing order changes. I think that was changed in the standing orders. Perhaps someone can find it before I can. I think you may request a member to amend their motion but you can no longer do that autonomously.

**MADAM SPEAKER:** I was operating on the advice of the Clerk, but I think there is a will of the Assembly to remove paragraph 2(b) at this point.

**Ms Cody:** Madam Speaker—

*Members interjecting—*

**MADAM SPEAKER:** Ms Cody, please resume your seat. Ms Cody, would you move an amendment to remove paragraph 2(b) so we can—

**Mr Wall:** So—

**MADAM SPEAKER:** Please, Mr Wall. I am trying to actually move through this as quickly as we can. Thank you for that correction, Mr Wall. Ms Cody, perhaps you would like—

**Ms Cody:** Would you like me to rise, Madam Speaker?

**MADAM SPEAKER:** to move an amendment that removes paragraph 2(b)?

**Ms Cody:** Yes. Should I do it now? I have already spoken. Do I need to seek leave?

**MADAM SPEAKER:** You would need to seek leave and then possibly put pen to paper, but you can talk to your amendment while you do that. First, we will call on the Clerk to bring the motion on for debate.

## **National disability insurance scheme—personal services**

Debate resumed.

**MS CODY** (Murrumbidgee) (3.21), by leave: I move:

Omit paragraph (2)(b).

On reviewing my motion, it has come to my attention that 2(b) may be causing some concerns. At this stage I reserve my right to speak on that until the close of the debate.

**MS ORR** (Yerrabi) (3.22): Thank you, Ms Cody, for bringing forward this motion today. The national disability insurance scheme is crucial for securing better outcomes for Australians living with disability. The ACT was the first jurisdiction to sign up to the NDIS and we continue to be committed to supporting Canberrans with disability.

I am disappointed, but not surprised, to see the federal Liberal government's mishandling of the NDIS, specifically their inability to listen to the wants and needs of some of our most vulnerable members of the community. In recent years we have seen vital disability services cut. Funding has been withdrawn, and the pressure is being felt by individuals and families operating under the NDIS. In contrast, the ACT government is committed to supporting Canberrans living with disability, and this includes supporting their sexual health needs. Currently, there is a lot of debate about whether the NDIS should include funding for sex therapy for individuals living with disability.

This motion today calls on the federal Liberal government to display more humanity in their approach to this issue. The federal Liberal minister for the implementation of the NDIS, Mr Stuart Robert, has been adamant in preventing the NDIA covering the costs of sexual services, including sexual therapy. Minister Robert fails to acknowledge that sex therapy is a form of counselling, encouraging mental, emotional and physical wellbeing to individuals living with disability. For a government that proclaims to be "committed to the individual choice and control of people with a disability", it is completely hypocritical to deny people with disability access to sexual therapy. Governments and our communities must recognise the needs of people with disability and encourage access to individual autonomy that able-bodied individuals take for granted.

I know that Canberrans value and respect our inclusive city. When it comes to supporting our predominantly marginalised allies, it is great to know that most of the community can recognise that sexual expression and the need for intimacy are fundamental human qualities and that having a disability does not erase that.

I came across a story about a 39-year-old woman named Ange McReynolds living with cerebral palsy. Like so many other Australians with disability, Ange is unable to engage in any form of sexual activity independently. Ange expressed in an interview with *Hack* on Triple J that she pays to see a sex worker once a month and would ideally like to see one once a fortnight but cannot currently afford to. While it is necessary to commend the valuable contribution of organisations like Touching Base, which assist people with disabilities connect with sex workers, it is unreasonable to rely solely on charitable organisations to provide services that should be funded by the federal government. And Ange is not the only person living with a disability who wishes to engage in sexual activity.

I commend Minister Stephen-Smith on ruling out any support from our government for any rule change that would exclude sex services under the NDIS. This

ACT government takes seriously the needs of people living with disability, and people can trust that we will continue to deliver real outcomes that improve the lives of our fellow Canberrans.

I commend this motion to the Assembly and join Ms Cody in calling for all party leaders in this Assembly to commit to a tripartisan statement in support of sex therapy and sex work under the NDIS.

Amendment agreed to.

**MS CHEYNE** (Ginninderra) (3.26): I flag that I am putting forward an amendment to the motion, and I note comments from the opposition previously about common courtesy in circulating amendments. We are certainly getting there as we grapple with an issue that I do not believe has come up at least in this term of parliament. And while we do that, I add my voice to the minister's earlier comments and what I expect will be forthcoming from Ms Cody. Firstly I congratulate Ms Cody for bringing this very important motion to the attention of the Assembly and to the broader community.

But I also join others in rebuking what I thought were quite stunning remarks from Ms Lawder, particularly the references that she made to Ms Cody's motivations and indeed her character. I thought it was, frankly, quite insulting to suggest that Ms Cody was using this motion because sex sells—sex is a right; it is not about “Let's make the newspaper”—and that Ms Cody was using people with disability to gain attention.

Ms Cody has not used anybody in this motion or in this debate. She has drawn attention to an incredibly important issue. Given the lecture that the opposition decided to give us earlier today about how they are actually experts in a range of things, because they listen to people, perhaps Ms Lawder can listen to her own side's advice. There has been enormous support right across the community, right across Australia, including from peak advocates and from peak advocacy organisations in these spaces—from Sexual Health and Family Planning ACT to Women with Disabilities Australia—who have come out publicly in support of this motion.

Perhaps if Ms Lawder had taken a little time to do her own research she would have seen that herself rather than lecture Ms Cody on the motion and describe it as not relevant to the ACT or to this Assembly. It absolutely is relevant to this place. I think that the community thinks it is incredibly relevant, and these advocates and these advocacy organisations also believe that it is absolutely relevant to them, as I am sure do people with disability. In this place we absolutely represent all Canberrans, including people with disability, and that is why it is very important to have brought this forward.

Madam Speaker, can you bear with me for a moment while I sign and date my amendment which has been discussed and, I think, agreed across the chamber. I pause for a second in my rebuking to note that we will be moving this amendment to make sure that things are clear and that we are not subjecting ourselves or anybody else to something that we would prefer not to.

Back to rebuking! I draw Ms Lawder's attention to a recent article by Professor Matthew Yau, who is an adjunct professor at the College of Healthcare Sciences at James Cook University and who, in his article in *The Conversation*, expressed it perfectly well:

“Sexual expression and intimacy” are basic human needs, and “should be equally recognised among people with and without disability as facilitating improved quality of life”.

I do not think anybody in this place can disagree with that statement. And I am very pleased to have been able to draw people's attention to it today and put it on the record.

Finally, it is worth reflecting on Ms Lawder's comments as well that Ms Cody somehow failed or was remiss in having chaired the health committee, the HACS committee, at a time when it was delivering its report on the NDIS. However, if Ms Lawder had bothered to use any of the parliamentary records available to any member or their staff, she would know that Ms Cody joined that committee, I believe, only in October 2018. This was an inquiry that that committee had started very early in 2018 and, based on the minutes that I have seen, they had concluded their hearings and the taking of evidence by about mid-year, well in advance of Ms Cody joining the committee. While Ms Cody was, yes, technically the chair at the time of the deliberations on the report and of the tabling of the report, she was using, as were other members of that committee, evidence that had been presented at a time well before her being part of it.

Ms Lawder's comments were rather strange when suggesting that members cannot raise issues if they have ever done an inquiry on a related matter which, frankly, I thought was a silly claim for a deputy leader to put on the record, and quite frankly the whole speech was a misdirection on the issues that Ms Cody raised.

Rebuking finished and amendment to the motion having been distributed, I thank Ms Cody for bringing to this place this important issue, this highly relevant issue and this highly well-supported issue in the community and in this place. I commend the motion and its subsequent amendments to the Assembly. I seek leave to move my amendment.

Leave granted.

**MS CHEYNE:** I move:

Omit paragraph (3)(b), substitute:

“(b) make a tripartisan statement in support of sex therapy and sex work under the NDIS and, specifically, in opposition to any change to the NDIS (Support for Participants) Rules 2013 that would preclude such services, by forwarding this motion to the Prime Minister and Minister for the NDIS, signed by the leaders of all ACT Legislative Assembly parties.”.

**MS CODY** (Murrumbidgee) (3.34): I thank members, particularly on this side of the chamber, who have spoken in support of this motion. I brought this motion forward this morning because I believe that everyone in this country has a right to sex. I believe that there are many case studies, as Ms Orr highlighted in her statement that she made in support of this motion, that women and men with a disability often rely on the act of sex to help relieve their frustrations, to help relieve their tension and to help live an ordinary, everyday life.

In fact, I have some case studies that I mention now. One comes from *Hack*, a Triple J publication, which did a lot of work with disability members of our community about their say in what they believe they need when it comes to sexual relations. John, from Bankstown in New South Wales, has used sex workers since he was 25. He has cerebral palsy and is unable to use his hands to satisfy himself sexually, as an able-bodied person may. He is also restricted to a wheelchair, so access to facilities that provide sexual services is difficult, as he needs to be hoisted in and out of his wheelchair. To have the ability to access a sex worker who can visit a premises in which he lives makes life a whole lot easier and gives him a great deal of support, release and the removal of some frustration.

Today we have heard in the chamber debate on two motions about support for people in the community. Earlier today we heard Mrs Dunne talk to a motion about hydrotherapy services in the ACT to help people who are in pain. In fact, she spoke quite strongly about the need to support people in the community who may suffer from social isolation and being able to receive release. That is exactly what my motion as amended is about.

I believe that it is everyone's right to access sexual services. Mr Rattenbury raised this as an issue. Sexual therapy and sex workers are two very different matters, and I am calling for access to both in my motion because both are a right and have a need for people.

There are some members of the community for whom sexual therapists work wonders. They can help couples work together to form sexual bonding again, particularly if the disability has come at a difficult stage in their life. There are members of the community, particularly those who suffer from MS, for whom the disease is degenerative and therefore things change over time. Having access to sexual therapists is wonderful. But there may come a time when a partner without a disability may not be able to please or satisfy the partner with a disability and it is imperative that they are able to access the support and the service that they require.

I too could go on and on about all the goodwill and all the good reasons why I brought this motion forward today, including the many people who have contacted my office today, just today, thanking me for having the courage to stand up in this place to talk about access to services for people with disability. That is what we are talking about here, not, as Ms Lawder has stated, whether I get a headline or not.

I believe that people with disability deserve to live an ordinary life and deserve to have access to all the supports that they may need to succeed in that form. I commend my motion to the Assembly.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Transport Canberra—weekend bus service cancellations**

**MISS C BURCH** (Kurrajong) (3.40): I move:

That this Assembly:

(1) notes that:

- (a) thousands of Canberrans rely on weekend bus services to travel around the city, and weekend service cancellations have led to many Canberrans being stranded at bus stops without any alternative;
- (b) since the commencement of Network19, Transport Canberra has failed to achieve its stated target of 99.5 per cent of total services delivered to completion on weekends;
- (c) over the two-month period from May to June this year there have been well over 2 000 cancellations of weekend bus services;
- (d) the Transport Workers' Union raised concerns to the ACT Government regarding weekend staffing levels before the new network was implemented and these concerns were not addressed; and
- (e) as of today, the ACT Government has failed to deliver the bus network it promised Canberrans; and

(2) calls on the Minister for Transport and City Services to:

- (a) explain to the Assembly what the Government is doing to improve the provision of real-time information about cancelled services to customers; and
- (b) provide an updated weekend timetable that reflects the availability of weekend bus drivers by Wednesday of each week, so that Canberrans can plan their weekend travel accordingly.

For months now, we have witnessed the steady degradation of the reliability of our bus network. For many Canberrans, catching a bus on the weekend is a roll of the dice, and, increasingly, they do not favour their odds.

I do not blame them. I do not blame the passengers who are returning to their cars, having waited three hours for a bus that never arrives. I do not blame the bus drivers and transport officers who are working tirelessly to keep the system running under such public scrutiny. And I do not blame the Canberra taxpayer who is footing the bill for an inadequate and unreliable network.

I blame an unconcerned and out of touch Labor-Greens government, a government that really should have had the foresight to see this problem coming but who have instead buried their heads in the sand; a government that has continued to promise a network that they cannot deliver.

We all know that the government has talked a big game, with promises of more frequent services, shorter journey times and a better connected Canberra. Yet it seems that reliable weekend services were not intended as part of this commitment. It must be said that whilst the weekend timetable has expanded, Canberra's confidence in the new network certainly has not.

This is a government that makes no apologies for its failures. Indeed we have seen this in the answers given by the minister for transport when he has been questioned about the steps he has taken to improve the reliability of the weekend network. His statement that weekend patronage is up by 30 per cent is an insult to the many Canberrans who have waited for buses that were never going to arrive.

We have sat and listened to the minister for transport make concession after concession over weekend service failures, that this was an issue inherited, not created, by the minister. What we are yet to hear is how the minister for transport is going to resolve this issue. He says he is hiring more drivers, ignoring the basic facts that training new drivers will take a number of months and that, even once trained and available, the voluntary nature of weekend shifts means that more drivers alone will not resolve this problem.

The Transport Workers Union say that they warned the government of the disparity between the number of weekend drivers and new routes well in advance of network 19's commencement. They warned the government that the combination of voluntary weekend shifts and lack of incentives for working those shifts meant that driver shortages would be likely.

Now, we see only too clearly what happens when you ignore the advice of those who are closest to the issue. Significant decreases in service delivery rates, extensive wait times, frustrated drivers, and disappointed passengers stranded at bus stops are the by-product of a government hopeful that their lack of planning would go unnoticed.

Adding insult to injury is the fact that the minister for transport refuses to give Canberrans more than 90 minutes notice when their bus is going to be cancelled; 90 minutes notice! Of course, many of the Canberrans who are most significantly affected by these service cancellations are those who are dependent on the network and have no other option: those who do not have a car and cannot afford a taxi, and have no choice but to wait for an hour, two hours or maybe even three hours in great hope that a bus will eventually show up. How is it that the minister for transport could consider 90 minutes to be an adequate time frame to inform passengers of cancelled services?

I ask the minister to consider how fortunate he is that he personally does not have to rely on these services. This is a minister who knows little of the struggle that Canberrans face when catching a bus on a weekend. This is a minister who speaks of the future when the struggle is right now. If only weekend passengers could just wait a little longer to receive the weekend services that they deserve and that they pay for. Whilst the current solutions, to check NXTBUS or to call a phone number, may be helpful for some, they stand far from the one-size-fits-all solution that they are made out to be.

At what point do we begin to realise the far-reaching consequences that cancelled weekend services are having on Canberrans? It is all too easy to view these failures as somebody else's problem or to see them as numbers on a target board, but these failures involve real Canberrans waiting at bus stops and interchanges, desperate for weekend services that they can rely on.

If the government cannot deliver this today then they should at least have the common decency to pass on the information that they do have about future cancellations within adequate time frames. That is what my motion is calling on the government to do: to find ways to communicate with Canberrans, much earlier than 90 minutes beforehand, to inform them that their services are in fact being cancelled.

This order is not a tall one. Unlike the improvement in weekend services that we were promised, this is an initiative that the government can actually deliver. We know that the bus services roster is not finalised at 7 am on a Saturday, so we see little reason why the government cannot provide information about cancellations at least a few days prior.

This motion is just as much about the early notification of weekend cancellations as it is about reminding the government that they have failed to deliver a reliable weekend bus service. It is about reminding them that they could make the lives of weekend passengers much easier; they simply choose not to.

**MR STEEL** (Murrumbidgee—Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Transport and City Services) (3.46): I am very pleased to have another opportunity to provide a further update to members on our city's public transport network, and I thank Miss C Burch for raising this issue. As everyone in this place would know, the ACT government has made some major improvements to our public transport network with more buses more often, same route, same number, on the weekend providing more services for Canberrans as a better alternative to using a car.

The improvements include the introduction of a range of different services, and I will highlight a few to begin with: expansion of the rapid network from 4 to 10 routes which also run on the weekend as well as on weekdays, including light rail for the first time, which has been a very reliable service; more bus services every day of the week; and an all-day seven-day network with a step change in service levels on weekends including the same routes as on weekdays and services that start earlier and run later.

The community has responded to that with a significant number of people taking more journeys on the weekend. Network 19 is keeping Canberrans connected with this extra service offering, providing shorter travel times that are getting our community to their destination as quickly as possible, particularly on the weekend. The scale of the increase in services has been significant, giving many Canberrans the opportunity to use public transport and making the network more attractive for those who can choose to drive but would prefer not to.

Network 19 is also providing more services, and this is evident in Transport Canberra's timetable that shows that as at 31 July 2019 compared to 1 April 2019 before the network came into force there were: 709 more public transport services provided each Monday, Tuesday, Wednesday and Thursday during school terms, including 470 more bus services and 239 light rail services; 720 more public transport services each Friday during school terms, including 470 more bus services and 250 light rail services; 895 more public transport services each Saturday, including 737 more bus services and 158 light rail services; and 785 more public transport services each Sunday, including 629 more bus services and 129 light rail services.

This equates to more than 19 per cent more timetabled services for Canberrans each weekday than just a few months before and more than 70 per cent more timetabled services each weekend. The government is pleased that with the addition of these extra services many more Canberrans are making the switch to using public transport.

On every measure more Canberrans are now using public transport than under the old network. From the end of the free travel period on 27 May to 11 August 2019, Transport Canberra recorded, 4,571,499 boardings on bus and light rail services, 11.3 per cent more boardings than during the same period in 2018; 3,360,010 journeys on bus and light rail services, 6.9 per cent more journeys than the same period in 2018; and 350,795 weekend journeys, 26.6 per cent more journeys on weekends than during the same period in 2018.

I also advise members that many more Canberrans are now using MyWay cards, giving them the lowest available fare and providing valuable information to help us plan better public transport services. The proportion of people using MyWay cards is around 95 per cent compared to around 90 per cent before the new network was introduced and free travel was offered for customers using a MyWay card. That means thousands of Canberrans no longer have to find change to buy a bus ticket, making it easier and faster for more people to use public transport.

Many customers are, of course, eligible for concession fares, including free travel during off-peak periods on weekdays and at all times on weekends for seniors, pensioners and certain other concession card beneficiaries. Those measures were introduced by the government earlier this term.

These figures speak to the reality that many Canberrans now have a practical, realistic option to use public transport where they did not before and that they have responded by coming out in droves to use our bus and light rail services. The figures show that there are more boardings on our public transport network, more journeys made each day and more individual public transport users each day.

However, it is also clear that there are some teething issues with the new network that we are working on addressing so that Canberrans can depend on bus and light rail services, particularly on the weekends. Since the end of the free travel period, Transport Canberra has delivered around 88 per cent of weekend bus services. This is well below the target set by the government of 99.5 per cent, a target that equates to about one service in every 200 not being delivered.

I acknowledge that many Canberrans have been impacted by weekend bus reliability, and that is why we are taking action. To be clear, Transport Canberra is now delivering more weekend bus services compared with the previous timetable, despite the reliability issues. Based on the current average of around 88 per cent reliability, on weekends during school terms Transport Canberra is delivering around 3350 bus services each weekend.

In the previous network there were only 2,344 timetabled bus services weekend of which Transport Canberra delivered on average around 98.9 per cent each weekend over the same period from 28 May to 12 August 2018. This means that on a typical weekend more than 1,000 additional bus services are provided than prior to the introduction of the new network. This is in addition to hundreds of light rail services now being delivered reliably by Canberra Metro each weekend under contract to the territory.

Nonetheless, Canberrans have told us that the current reliability rate is not acceptable, and the government agrees. We are taking strong action and are acknowledging the issue. It is wholly unsatisfactory that Canberrans cannot rely on public transport on weekends. The actions we have been taking have been early in the piece following the new network coming on. In coming into the transport minister role shortly after the new network commenced I instructed my directorate to use every means at its disposal to meet its reliability targets on the weekend. First and foremost this includes stepping up the recruitment of bus drivers to deliver the increased services. That is a critical focus of the government in ensuring that we can deliver more services on the weekend.

Streamlining recruitment and providing flexible training solutions for bus drivers is also a focus, including moving to a rolling recruitment campaign rather than an annual recruitment for bus drivers. We have already begun that work. That means that Transport Canberra is always accepting new applications from potential drivers. I put out a call out to the Canberra community: if you would like to become a bus driver and participate in secure, well-paid work, please get in touch with Transport Canberra.

Increasing the number of drivers being trained is a focus. I mentioned in question time that 10 new drivers are due to graduate on Friday. A further 12 will commence training this month, building on the 80 drivers recruited since October last year.

Unfortunately, it is not feasible, as the opposition has suggested, to provide information days in advance about which services will and will not be delivered. That is not how the system works, unfortunately, and that is because Transport Canberra's focus is on delivering as many weekend services as possible. As a result, staff in Transport Canberra continue to allocate drivers to weekend services under the rostering system up to and including the day they operate.

We will be reviewing the way in which information is provided to passengers on weekends advising them of cancelled services, and I am looking forward to reporting those findings back to the Assembly. The reality of running a bus network with a rostering system with 450 buses or thereabouts and around 800 drivers is complex. One shift comprises between six and ten different routes across the network.

As shifts for drivers on weekends are voluntary, shift allocation for weekend services takes place throughout the entire week, and it is a constant aim to make sure that as many services as possible run on weekends. As such, we do not stop trying to fill shifts at a fixed period in time, two days out from the weekend, for example. We continue to look for drivers all weekend to ensure that we are delivering as many services as possible. That is why we do not publish cancelled bus routes earlier in the week as the Liberals are calling on us to do as that would mean that we would not be delivering all of the weekend services possible.

The effect of publishing information days in advance would be to release inaccurate information based on which weekend shifts have been rostered up to that point in time. It would be counterproductive to give Canberrans incomplete information about the services available and suggesting that many services which ultimately are delivered would not be.

The government has been urging people to use the NXTBUS system, which provides information up to 90 minutes before travel, to find out whether the service is running. Of course, they can also call Access Canberra on 131710 to obtain the same information. I realise 90 minutes is not a huge period of time before bus services are delivered, but it is what the current system does.

The government is also looking at how we can invest in a new generation ticketing system for our city and replacing the NXTBUS system with an improved modern, real-time system that will enable better information to be provided in a more timely way to Transport Canberra customers. I will be pleased to update members on the progress of this project when the procurement process is finalised.

Further transparency of weekend reliability will be made available, and I am looking forward to providing regular updates on reliability of services on the weekends and across the week. But my focus is really on making sure that we are recruiting more bus drivers. We can communicate as much as we want about the reliability of services on the weekend but in order to deliver more services on the weekend we need more bus drivers. The rolling recruitment program we now have in place with Transport Canberra will help to deliver those extra services. We will continue to explore other options to improve the reliability of weekend services, and I look forward to providing further updates to the Assembly and the community.

In anticipation of Ms Le Couteur's amendments to the motion, I support what she has called on the government to do. I have already acknowledged the impact that weekend reliability has had on Canberrans, and I am looking forward to reporting back to the Assembly on the matters outlined in the amendment.

An amendment has also been circulated in my name to provide further contextual information to the noting section about weekend services. I am looking forward to continuing to work on this issue as a priority, as I have done since the first week that I came into the portfolio. I move:

Omit paragraph (1), substitute:

“(1) notes that:

- (a) 27 percent more journeys on public transport were recorded over the first 10 weekends of the new network, compared with the same weekends in 2018;
- (b) the additional Rapid routes available on the weekends are offering a more direct route and keeping Canberrans connected;
- (c) an additional 1377 weekend services have been put on since the commencement of Network19;
- (d) Transport Canberra are currently undertaking rolling recruitment for new drivers; and
- (e) average weekend reliability is 89 percent and the Government has acknowledged this is not meeting community expectations;”.

Amendment agreed to.

**MS LE COUTEUR** (Murrumbidgee) (3.59): I now move the amendment to the amended motion that has been circulated in my name:

Omit all text after paragraph (1)(e), substitute:

- (f) Canberrans are flocking to Network19’s expanded weekend bus services, with average Saturday journeys rising from 12 768 in June 2018 to 16 985 in June 2019, and average Sunday journeys rising from 9013 in June 2018 to 12 535 in June 2019; and
- (2) calls on the ACT Government to:
- (a) acknowledge that many Canberrans have been impacted by weekend bus reliability;
  - (b) commit to improving weekend services reliability provided by Network19 and restoring weekend reliability rates;
  - (c) release, within one month, an action plan that:
    - (i) examines how more timely cancellation information for passengers could be provided;
    - (ii) examines better ways of notifying passengers of service cancellations;
    - (iii) improves weekend bus reliability by increasing bus driver numbers through continued bus driver recruitment;
    - (iv) considers short-term actions like incentives that can be provided to drivers to encourage them to deliver weekend services, whilst the recruitment of more drivers continues; and
    - (v) provides the community with a timeframe for when weekend service reliability will improve; and
  - (d) report to the community and the Assembly on weekend service reliability and progress on the action plan quarterly until reliability on the weekends is restored.”.

As shown by the way I voted, I very much support Minister Steel’s amendment. It is great to have some numbers in debates like this as to what is actually happening.

I do not always agree with Miss Burch and the Liberal Party on transport, but I agree 100 per cent with her original motion. I think my amendment and Minister Steel's amendment take it further; they give it more oomph and there is more possibility of immediate change. I totally agree, as everyone in the Assembly clearly does, that the high levels of weekend bus service cancellations are unacceptable.

I am really glad that she has moved this motion this week, because it gives us a chance to be part of getting this fixed. I am putting forward an amendment, but the amendment is not designed to take away at all from what Miss Burch is trying to achieve. In fact I am trying to build on her work and go further.

Let me first talk a little bit about the problem, for the benefit of those members who are not weekend bus users; possibly, they are not bus users at all. In the 3½ months since network 19 was introduced and weekday routes were extended to weekends, we have seen not only higher levels of weekend bus use but also high levels of cancellations every weekend. I understand that the level of cancellations is possibly getting worse. I believe that it is currently averaging slightly over 10 per cent of services, but on one weekend it was up to 20 per cent of services. Clearly, that is unacceptable.

People are getting angry and frustrated. Unfortunately, entire routes are actually being cancelled, as well as occasional services on most other routes. I am lucky; I catch the R4, one of the more popular routes. We do not have nearly as many problems, because there is still 15-minute frequency. Most other bus routes are not like that; on many suburban routes you have to wait an hour for the next bus. I suspect that many people give up and go home. Once you have done that a few times—you have made plans to use the bus and it is not there—you are going to give up.

People are getting angry and frustrated, and that is what Miss Burch's timely motion reflects. Most people are reasonable. They understand that while we have a bus system that tries for 100 per cent reliability, that is not in fact a possible outcome. There will always be some accidents and glitches. But weekend after weekend we are having more and more of them, with no end in sight. We want action—they want action—and we want it soon; otherwise the pleasing figures that Minister Steel cited for increased bus use will no longer be the case because people will say, "The buses don't actually turn up and we're not going to even try." Weekend bus use, as my amendment says, has gone up from over 12,000 a year ago to nearly 17,000 during this year. It is an appreciable increase, and we should be celebrating this.

One of the issues is that it is really hard to find out if your bus has been cancelled. The Transport Canberra website advises passengers to call 131710 or check the NXTBUS website 90 minutes before travel. But 131710 does not know on Friday night, and it does not open until 9 am on Saturday morning, which makes it significantly useless for people trying to check something before that.

Also, checking NXTBUS less than 90 minutes before you travel is not helpful for many people because it means that they cannot plan ahead; they cannot be sure that they will actually be able to do what they want to do. That is not good enough. I am

glad to hear the minister say that NXTBUS will be improved, because NXTBUS is actually a seven-day-a-week problem. It does not reliably tell you where a bus actually is. That was the whole idea of the exercise. Personally, I find it very frustrating, so I thank Minister Steel for that.

These problems are a real shame, because network 19 is, in general, an improvement over the previous network. It runs for much longer hours, particularly on Sundays, when services on most routes used to finish just after 6 pm. It has seven-days-a-week routes, which means passengers do not have to know about two different networks, and passengers are not relegated to a second-class network on weekends. It has more routes at half-hourly or better services than the previous network.

As I mentioned earlier, despite all of its problems with cancellations, network 19 is proving very popular at weekends. Patronage is up by over 30 per cent. As I was saying, average Saturday journeys were up from 12,768 in June 2018 to 16,985 in June 2019, an increase of a third. Average Sunday journeys were also up by almost 40 per cent. To increase public transport use by 40 per cent is huge. This is a significant achievement, and we should be celebrating it. The way that we are celebrating it right now is by saying that this is so good that we want to keep it going. We want to keep it as a good, reliable service, and the way to keep that 40 per cent improvement is to solve the cancellation problem.

I am worried about the cancellation problem because people will try a few times then, if the bus is not there, they will not try in a month's time when maybe the problem has been solved. They will say, "No, it doesn't work". They will stay at home or they will get in their car. It would be a real shame, given that we have started to have what is clearly a better system than before, if we did not fix it up, fix the 10 per cent-plus cancellation rate and get the buses on the road reliably. I am confident that we can do it.

What is causing the cancellations? It would seem that the problem lies with how the government runs Transport Canberra buses, because Capital Metro is not having the same problems. The minister has told us that it is due to a lack of bus drivers. He has argued that all that the government needs to do is hire more casual drivers. He may well be right. I was very pleased to hear in question time that another 10 drivers are about to start. Of course, it does beg the question as to why we are doing it now rather than three months ago. We should have been able to work this out before.

Be that as it may, we cannot undo the past. I am worried that there may in fact be a bigger can of worms underlying this, that is, the enterprise bargaining agreement. I understand that it has a number of features that make it hard to get drivers to work on weekends. I asked a question without notice on this during the last sitting period.

The features include full-time and permanent part-time drivers only being rostered for weekday shifts. That means that on weekends there is a combination of permanent drivers volunteering for overtime and casuals being needed to cover weekends. Penalty rates and overtime rates were scrapped years ago by being rolled into the standard hourly rate, removing an incentive to do weekend and overtime work. Casuals who do the same shift for 12 months have to be offered permanent

employment. Given the rules, that will always be on weekdays. I put this as a possible area where change may need to be made.

Of course, all of these questions about the reason for these issues is actually irrelevant if you are waiting in the cold for a bus that has been cancelled. You do not even know that it has been cancelled; you just hope that it is running late. You do not care about the complexities of the enterprise agreement or whether the drivers are volunteering or not. You just want your bus to turn up so that you can get out of the cold. The travelling public, the public of Canberra, just want the weekend bus problem to be fixed.

My amendment to Miss Burch's motion is intended to escalate awareness of this problem within government, to give it the priority that passengers want it to have. It calls for an urgent action plan to get this problem fixed and to reduce the inconvenience for passengers while we are waiting for it to be fixed.

I will step through what the action plan needs to cover. Firstly, the government needs to find ways of working out what services are cancelled earlier. I understand—and Minister Steel went through this in his speech—that this is currently worked out only on a Saturday morning, as drivers are still able to pick up casual and overtime shifts until the last minute. I can see his dilemma regarding having more buses and more reliability, but it is really not good enough. I think that the bus drivers could work it out earlier.

Miss Burch's motion pushed for this to be made available on the preceding Wednesday, which would be an excellent idea. At the very minimum, I cannot see why people could not be told on Friday night what bus services will be running or not running. Surely, that would not reduce the number of drivers volunteering.

Secondly, a lot more effort must be put into letting people know what services have been cancelled. At present, as I mentioned earlier, the passenger has to try to work it out. That is not good enough. The government has staff at interchanges, even over the weekends. These staff could put up a list of cancelled services at each platform. They could also make regular announcements during the day. It should not be up to passengers to look at the signs and try to work out, "Oh, it's not there. It's definitely not there. It's not just that it's going to be late." The list of cancellations does not appear to be posted on any website or social media, and this should be fixed.

These are basic steps that should already be happening 3½ months in. It is clear that a mindset change is needed. It is just not good enough for it to be the passengers' responsibility to find out what has been cancelled. It is actually Transport Canberra's responsibility to tell as many people as possible, and to reduce the number of cancellations as much as possible.

To do that, the third thing that I would suggest is that the government needs to look at incentives that they can quickly get into place to get more drivers to volunteer, until they have done their additional recruitment. Obviously, I am not a manager there, so I am only making some suggestions; I do not really know. Some things that come to mind are giving drivers who volunteer for a certain number of weekend overtime

shifts a bonus paid day off. Lots of places have rostered days off; this could be something that is available for weekend bus drivers. It could be something simple like a thankyou lunch for drivers who are stepping up to fill the gaps while recruitment is underway. Maybe one of the depots could host a lunch for everyone who is on shift that weekend, so that as people stop by to have a comfort break and fill up their bus, they can have a feed as well. I am sure there are lots of options, and the government should test them out with their drivers and with the union, to work out what would be appropriate and what will actually make a difference to getting bus drivers to drive our buses over the weekend.

Fourthly, the government needs to give the community confidence that it is taking the problems seriously and that it will have a solution soon. It is not good enough to have this rolling on week after week, with no outward sign that there is progress. The community needs to know when things are likely to be fixed.

That is why my point (2)(c) says “release, within one month, an action plan,” and it then goes through a list of things that, hopefully, with the passage of this motion, the government will commit to do. The community will then have a time line for when the government will release—within a month, a month from now—an action plan for the things that it will do to improve our weekend network.

To have a change in our network with a 40 per cent increase in use on Sunday and an increase of a third on Saturday is great. This is a significant achievement that we should be celebrating. The way to celebrate is to make it even better, by stopping the 10 to 20 per cent of cancellations.

I look forward to the release of the government’s action plan. I also very much hope that Miss Burch will vote for my amendment. I am not sure whether that will be the case. Genuinely, Miss Burch, I am trying to put forward something which will lead to a positive improvement on weekends. I am genuinely trying to build on your motion—and I very much appreciate you moving your motion—by making it even stronger. I thank Miss Burch and Minister Steel for their considerable interest in our bus system, and I look forward to a better, more reliable bus system on weekends.

**MISS C BURCH** (Kurrajong) (4.15): I am incredibly disappointed in the response that we have received from the minister here today. He stood up and rattled off all of the extra services that Canberrans were promised under the new network, not the services that have actually been delivered.

The minister continues to refer to these weekend service failures as teething issues, despite the fact that, as we know, the government was warned about these issues years ago by the union. We are now months into the new bus network and we are still seeing hundreds of service failures every single weekend. It is not only service after service, but also it is sometimes up to five services in a row. People are sitting there with no idea if a bus is ever going to arrive.

When will the minister finally admit that these are no longer just teething issues and that this is a serious long-term problem that he needs to address? Instead the attitude that we have seen from the minister is, “If your bus doesn’t show up, perhaps you

should consider becoming a bus driver.” I do not think that is good enough and I do not think a lot of Canberrans would appreciate it.

In terms of notification of service failures, obviously, the more notice that Canberrans can receive, the better. In that regard it would be much better if Canberrans know the services that are going to be cancelled on the weekend well in advance; then, if a number of services are in fact reinstated due to bus drivers volunteering at the last minute, those services can be updated again. I really do wonder how many bus drivers are volunteering to work weekend shifts between Wednesday and Saturday morning. I really cannot imagine that there are a large number.

The minister still has not answered the question of how new drivers are actually going to help if shifts remain voluntary and new drivers are still asked whether or not they would like to work weekend shifts. It is not going to solve the problem. As Ms Le Couteur indicated, without any kind of incentives being offered, employing new bus drivers alone is not going to fix this issue.

On Ms Le Couteur’s amendment, I disagree with her statement that it strengthens my motion. It is for that reason that we will not be supporting the amendment today. Ms Le Couteur originally approached me with an amendment which significantly strengthened my motion, but once again she has proven that she is shackled to the Labor Party and she folded on the original amendment.

Ms Le Couteur’s amendment does not actually call on the government to improve notification about cancelled weekend services; it calls on the government simply to examine better ways that they could possibly communicate. I do not think that is strong enough. If she truly cared about fixing this problem and holding the government to account, she would have moved her original amendment.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Tuggeranong—public amenity**

**MS LAWDER** (Brindabella) (4.18): I move:

That this Assembly:

(1) notes:

- (a) that Anketell Street has recently been refurbished;
- (b) that there are a number of cafes and restaurants with indoor and outdoor seating areas along Anketell Street; and
- (c) the community opposition to buses running along Anketell Street, including a previous petition from Tuggeranong Community Council; and

(2) calls on the ACT Government to:

- (a) recognise community opposition to buses along Anketell Street;

- (b) recognise a more pleasant and conducive dining environment would be achieved without buses running along Anketell Street; and
- (c) re-route buses away from Anketell Street.

It is pleasing that the long-awaited redevelopment of Anketell Street has finally been completed. I am sure that the businesses along there are relieved that the roadwork has finished, and residents and shoppers as well—I go down there frequently—are pleased to see it open again. Apart from some debate about what we have got for our money and whether you like the look of it, that is not the point of my motion today. My motion today is specifically calling on the government to take the buses off Anketell Street. This will be a very clear indication of whether this Labor-Greens alliance government listens to the people of Tuggeranong.

To go back a while, in November 2017 we had a petition signed by over 700 Tuggeranong residents who petitioned the government to keep buses off Anketell Street. Has the government listened? No. I was there this morning. There are definitely buses back on Anketell Street.

We had the petition to the Speaker and members of the ACT Legislative Assembly saying:

We the Tuggeranong community seek to have the buses removed from the cafe area of the Anketell Street, Tuggeranong Town Centre to an alternate route ...

This will improve the social amenity of the cafe area, assist the Government town centres revitalisation program, supports the transport strategy and light rail initiatives, will encourage small business start-ups ...

The petition went on.

The Tuggeranong Community Council have also strongly petitioned this view, with a number of letters to numerous MLAs on the government, crossbench and opposition sides. Many letters have gone back and forth. What has been the community reaction? We have just had the site closed for over six months. The buses were rerouted down Cowlshaw Street during that time. I understand that some issues may need to be addressed if that is to be a permanent route for the buses. We have had quite a long time. We have had nearly two years since that petition. We have had over six months when the street has been closed along the front of South.Point and the buses have gone a different way. Yet just last week when I asked the minister in question time he said he was thinking about it. This is a lot of thinking over a very long period since November 2017.

The community have said they would like traffic off that strip altogether—no cars or buses—but buses would be a great first point. One person said:

700 people signed a petition to get the buses out? A new road doesn't change that!

Someone else said:

Stop the buses!!!

Someone else said:

What a waste of money, it should have been a traffic free zone.

Another said:

I agree stop the buses just think your eating a meal outside at one of cafe and your smelling diesel fumes.

Another said:

The new Woden precinct is much better.

Ange said:

What a wasted opportunity—close it off and make it a true dining and entertainment precinct.

Today I am not talking about closing the street to traffic; I am talking about buses specifically along Anketell Street.

In its response in 2018 to the petition that was tabled in this place, the government said:

Transport Canberra does not support the proposal of immediate and permanent rerouting of buses away from Anketell Street ...

But, it said:

I am pleased to inform you that representatives from Transport Canberra have had preliminary discussions with members of the Tuggeranong Community Council regarding this proposal ... this meeting did open up a welcome dialogue between the directorate and the community regarding the situation and aspirations to improve the amenity of the area.

Transport Canberra and City Services officials will continue to work closely with the Tuggeranong community to discuss longer term options ...

Well, that is not what I have been hearing from the community, even this morning when I was down there. I know that Minister Steel and Ms Burch have been down there this week as well, and directorate officials, and I am sure they have been hearing some of the same feedback. The biggest concern at the moment about the new works is about safety. There are people who are concerned that children, for example, will not understand where the footpath ends and the road begins because it is all one level now. There are safety concerns.

Why do people want buses rerouted away from Anketell Street? When I was there this morning having breakfast, I got a pretty good idea of the problem, as if I needed to, because I have been there so many times in the past. Even at 8 o'clock in the morning the disruption caused by the constant procession of buses adjacent to the cafés was very apparent. There is a pedestrian crossing in the middle of that area, which means that buses and cars stop and then have to accelerate away, which creates more noise and disruption. The buses are stopping and starting. They do not stop and start to pick up passengers. There are no bus stops along that stretch. They are not going down Anketell Street because they need to for a bus stop. That is not the case.

While you are trying to dine or have a cup of coffee and a chat with friends, it is quite a noisy environment, which is not conducive to relaxation. I am sure that the café owners down there hear this from their patrons over and over again. We were able to ban smoking in cafés and other dining areas because we do not think patrons want it, but here we have the government running buses with fumes a few metres from where people are eating and drinking. In other areas we have strict control over noise, but here we allow the buses to run down the middle of the street where people are eating and drinking.

This is not news for the government. This is not a new problem. The government had a petition back in 2017. For all I know, they were aware of community and resident concerns before then. In 2017 they had the petition. When this was tabled, my colleague Mr Parton said what many of us in Tuggeranong agreed with. He said:

I fear the government is not really serious at all about revitalising Tuggeranong town centre. It is going through the motions of what looks like an ill-conceived, sloppy, cut-price excuse for revitalisation so it can tick that box and say, "Yeah, we did that. And let's face it, it's only Tuggeranong."

This is the view of this government over and over again. Tuggeranong is the neglected, the forgotten. If the government is serious about making a more comfortable and social environment in Tuggeranong, it will give serious consideration to this motion today. It will not amend it, not vote it down, but listen to the people of Tuggeranong, who have made their views very clear. I would like the government to, for once, listen to the people of Tuggeranong and to remove the buses from Anketell Street once and for all, not next year, not as an election promise for one day in the never-never but as soon as possible, possibly later this year, for example, because then it will have been two years since that petition. Two years should be plenty of time for a bit of thinking, a bit of planning and a bit of action. Two years is plenty of time for this to take place.

The Tuggeranong Community Council wrote to the former Minister for Transport in May of this year reiterating the long-held Tuggeranong Community Council view about buses on Anketell Street. I know that Ms Le Couteur, for example, is well aware of this. She goes often to Tuggeranong Community Council meetings and has heard this firsthand over and over again. It said:

In November 2017, the Tuggeranong Community Council submitted to government a Bus Petition (with over 740 signatures) to re-route the buses from in front of the Hyperdome—

South.Point, as we call it now—

on Anketell Street. This was passed onto a parliamentary committee and to date we have not had a formal response.

This was back in May.

We wrote that “One of the most significant issues identified in last year’s Tuggeranong Liveability Survey was the importance of revitalising the Tuggeranong Town Centre. The single biggest negative impact on improving the amenity and revitalisation of the area, is the use of Anketell Street by ... buses.

Anketell Street is directly in front of the Hyperdome (now South.Point) and houses many outdoor cafes where people want to sit, eat and talk. This is very difficult to do comfortably when every few minutes, buses travel along this street on the way to the Tuggeranong Interchange. As a result, diners are expected to relax in a noisy environment which is not conducive to conversation or good health as they are subjected to bus and car emissions whilst undertaking their coffee and/or meals.”

We have heard about this at many Tuggeranong Community Council meetings. In fact I think when Mr Steel came along late last year he told the Tuggeranong Community Council that he was working with Ms Burch and it was up to Ms Burch as to whether buses would go along the street. The question to Mr Steel from 2 October 2018 was, “What’s happened to the decision to remove the Anketell buses? Fumes and noise are a major problem.” Back then, on 2 October 2018, Mr Steel said, “I’m still having discussions with Joy Burch about whether this can be done.” I am a little confused by that statement, as to why Ms Burch has the final say on whether there are buses in Anketell Street, but that is what Mr Steel said back in October. He said, “I’m still thinking about it,” when he finished his presentation in answer to another question. This is from the Tuggeranong Community Council meeting of that day.

The time has come for something to be done, not more thinking about it. We had a petition for two years. We have had the whole area closed for over six months. That was plenty of thinking time. Now is the time to do something to just improve the amenity for Tuggeranong residents. Mr Steel has made it clear that he was thinking about it at least from October last year when he was asked at the Tuggeranong Community Council. That is going on for a year ago now. Mr Steel has had plenty of time to be thinking about this issue. Please can we see some action so that residents of Tuggeranong and their guests and visitors can sit down there, patronise and support their local businesses out there in the front of South.Point and do that in peace and quiet. This is surely not too much to ask for.

I ask members here today to think very clearly and carefully about their support or otherwise for this motion, because it will be very clear to Tuggeranong residents and Tuggeranong Community Council members how they view the residents of Tuggeranong from their response to today’s motion.

**MR STEEL** (Murrumbidgee—Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Transport and City Services) (4.33): I am very pleased to speak on this motion as a Tuggeranong resident and to

talk about the ACT government's investment in the Tuggeranong town centre and the work we are doing in relation to buses. As members will be aware, the ACT government has made a considerable investment in our town centres, including Tuggeranong, to support the regeneration of the areas. The government has delivered a number of improvements as part of stage 2 of upgrades to Anketell Street as we continue to work through and support the regeneration of the southern town centre of Canberra.

The upgrades are looking really good; I visited them on Monday to have a look myself. They include a raised pedestrian zone, a low-speed traffic environment, an off-road cycle lane, tree replacement with 27 additional trees, wider pavements for outdoor dining, improved lighting and more street furniture. This builds on the success of the improvements the government delivered in 2017 as part of stage 1 of the project to improve Anketell Street. Work has been happening for a considerable time in Tuggeranong town centre.

Quite a lot of construction work has been happening. That is important and I will come back to that later. We have done that work in coordination with South.Point Shopping Centre, which has also undertaken works along Anketell Street to support the revitalisation of the former Tuggeranong Hyperdome. These works have removed the clutter and opened up the space with a new paved area, street furniture, feature lighting, and planting of more suitable tree species.

Consistent with the Tuggeranong master plan completed by the ACT government in 2012 a key objective of the improvements was to create an inviting pedestrian-friendly destination promoting walking and cycling in and around this central part of the town centre. That is a practical local example of how the ACT government is improving our town and group centres by integrating the existing active travel network—footpaths and cycleways in particular—with key employment centres, shopping destinations and major public transport interchanges.

Projects like the Anketell Street upgrades help to encourage active lifestyles for Canberrans, which we know is important to improving wellbeing as well as promoting the revitalisation and urban renewal of the town centres through investment in high quality public spaces. The government is not stopping at improving Anketell Street with the completion of stage 2 of the works; it is forging ahead with further improvements for the Tuggeranong town centre as part of the laneways to the lake project, otherwise known as stage 3.

This work includes: improving upgrades to paths in the town centre along or near Anketell Street, Reed Street and Soward Way; the completion of missing links in the Tuggeranong town centre pedestrian path network; and improvements to the connections between the town centre and Lake Tuggeranong. We are also looking forward to the upgrades in the town centre continuing through the laneways project. I am looking forward to releasing the final plans for that in the near future enabling the works to continue to take the revitalisation down to the lake foreshore.

The government is investing real dollars in Tuggeranong in these improvements, for the benefit of both Tuggeranong residents and also the businesses that operate in

Anketell Street and around the laneways. From the 2015-16 financial year to 2018-19 the government has invested \$7.5 million in the design and construction of the improvements I have mentioned.

The government has worked closely with businesses and the community to deliver and develop these projects to improve the public realm including: two rounds of public consultation via the your say website in 2016 for stage 1 one of the upgrades; consultation and workshops with targeted public stakeholders in early 2016 prior to the completion of detail designs, including Tuggeranong Community Council, Pedal Power and other relevant community, leaseholder and business representatives; a letterbox drop of thousands of residential community and commercial premises as well as three drop-in sessions to inform the design of stage 2 of the works; and direct engagement with South.Point and other businesses on Anketell Street on the progress of works from April 2018 and in the six months leading up to the commencement of construction in January 2019. That was predicated on the basis of feedback from businesses that they wanted to see works commence following the Christmas trading period. That was entirely reasonable and the government was able to accommodate that.

The government knows genuine consultation does not end when we break ground or cut a ribbon. My colleagues and I and the Transport and City Services Directorate are listening to the community in every district and working to find practical solutions to problems faced by Canberrans. Just this Monday, Joy Burch and I visited Anketell Street to talk with some of the businesses about the upgrades and their experience of them in the short time in which the construction has been completed.

I appreciated the opportunity to connect with some of the businesses there. I thank Joy Burch for her advocacy for Tuggeranong. Of course, it is very natural for me to consult with the local member for Brindabella who has been one of the strongest advocates for the upgrades to Anketell Street both during her time as a minister and a member. Joy Burch has been very much involved in the upgrades and will continue to be as we continue.

One issue that has been raised by Ms Burch on behalf of constituents is the bus services on Anketell Street. I have heard that from Tuggeranong Community Council. Ms Lawder recognised the fact that I was there listening to the community about the issues that are concerning them. This is something we have been thinking about, but the significant period of construction on both stages 1 and 2 of the works has meant that we had to reroute buses onto Cowlshaw Street while that construction takes place.

We are at a point in the sequencing of those construction activities that we can look at what we need to do from a capital upgrades point of view to accommodate buses in a different location. Of course we will do so in consultation with bus drivers themselves who have raised concerns in the past about safety on Cowlshaw Street. It is not the designated transport corridor for Tuggeranong. In order to accommodate buses on Cowlshaw Street in the long term we need to carefully consider what capital upgrades are required both on the corner of Reid and Cowlshaw streets and also on the corner near the Tuggeranong 55s club where there is a substantial dividing barrier between each side of the road making it quite a tight turn for large vehicles.

I have recently written to the Tuggeranong Community Council and businesses along Anketell Street to assure them that we are genuinely considering the option of moving buses off Anketell Street in consultation with bus drivers. While buses were temporarily diverted via Cowlshaw Street during the recent upgrades to the town centre their operation through the area was actively managed under an approved temporary traffic management plan to address safety risks for other road users. They are risks we will need to look at more closely, and that takes time. To be honest, the sequencing of two sets of construction at the same time would simply not have worked. We are happy to look at that now the Anketell Street upgrades are over and consider what further improvements we can make to the Tuggeranong town centre precinct.

I understand and sympathise with the desire of Tuggeranong residents to further improve the town centre and create a welcoming environment along Anketell Street and beyond through the laneways. This means for the short term that buses have returned to Anketell Street; I noticed them while I was there on Monday. We will investigate the capital upgrades required so that buses can move safely along Cowlshaw Street and we will do the consultation required to make sure that any changes are supported. We need to consider the safety of vulnerable road users but also that of bus drivers and whether they can safely move their vehicles around the area.

I am sure that the Assembly is very conscious of the risks that come with running a public transport network and the need to carefully consider the ramifications of any potential changes to ensure that the community is as safe as possible. I can advise that TCCS is investigating the capital upgrades required for buses to safely move along Cowlshaw Street on a permanent basis. It will not happen overnight; it is important that the government understands and delivers the necessary capital works prior to a change being made to bus services because it will have flow-on effects. It is not a simple change to put buses through there. There will be a timetable impact that we will need to consider, and that planning is a very complex matter as I have come to learn.

We will also need to consider other matters relating to the change. We will work through those over the coming months. Those include operational policies and other procedures for bus drivers. We will work with the Environment, Planning and Sustainable Development Directorate to ensure that any changes made appropriately reflect what should be the transport corridors through the town centre. Transport is directly related to land use around transport corridors and we need to consider those impacts as well. The change is not as simple as some might think, but it is one that we are genuinely working through and I am really keen to get some progress.

It is great to see the upgrades having such a significant effect along Anketell Street. That is something that we want to continue through the laneways. In the long term I hope that our bus fleet will become both quieter and less polluting as we transition to zero emissions buses, but the safety issues will remain. Because the upgrades to Anketell Street are at grade and provide a friendly pedestrian environment, there is certainly a legitimate view from community and business that we should be looking at

how buses move through the precinct and whether there are opportunities to make some capital improvements so we can enable that to happen safely on another street.

With future upgrades to the Tuggeranong town centre to come I am looking forward to working together with the Tuggeranong Community Council to promote the town centre as a great place to be. These upgrades are an opportunity to make sure that we gather people and get them to come back after a lengthy period of construction so they can enjoy the new public spaces our government has funded and enable them to also access the businesses.

I am not sure whether I agree with the view put forward by Ms Lawder about removing cars from Anketell Street. I think the businesses are benefitting from having cars back on Anketell Street, parking in the new bays and people being able to pick up take-out from Zambrero or Chalisa Indian restaurant or even some Thai. That foot traffic via slow-moving vehicles is important, but we are working on the work necessary to progress any future changes around removing buses from Anketell Street, and I look forward to providing updates to the Assembly in the near future.

I look forward to hearing from other members, but I move the amendment circulated in my name to Ms Lawder's motion which outlines the steps the government is taking and provides some extra information in the noting section about what has occurred in relation to the substantial upgrades on Anketell Street:

Omit all text after "That this Assembly", substitute:

"(1) notes:

- (a) that construction on upgrades to the public realm along Anketell Street have recently concluded;
- (b) the ACT Government's upgrades to Anketell Street have improved Tuggeranong's main street through a raised pedestrian zone, a low speed traffic environment, an off-road cycle lane, improvements to paved areas, tree replacements with 27 additional trees along the street, wider pavements for outdoor dining, improved lighting, and additional street furniture;
- (c) that there are a number of cafes and restaurants with indoor and outdoor seating areas along Anketell Street;
- (d) the previous petition from Tuggeranong Community Council regarding the removal of buses along Anketell Street;
- (e) buses have returned to Anketell Street in the short term; and
- (f) the Minister for Transport and City Services wrote to business owners on Anketell Street on 9 August, noting that the Government was genuinely considering the option of removing buses on Anketell Street in consultation with bus drivers, including investigating what capital upgrades may be required for buses to safely move along Cowlshaw Street;

(2) calls on the ACT Government to:

- (a) ensure Transport Canberra continues to engage with members of the Tuggeranong community on the future of buses along Anketell Street;

- (b) work with businesses along Anketell Street to ensure the benefits of the upgrades to Anketell Street are fully realised;
- (c) consult with bus drivers on any future plans to remove buses from Anketell Street;
- (d) continue to investigate what capital upgrades may be required for buses to safely move along Cowlshaw Street as an alternative route on a permanent basis; and
- (e) report back to the Assembly by July 2020.”.

**MS LE COUTEUR** (Murrumbidgee) (4.47): The Greens will be supporting the ALP amendment.

With some heaviness of heart, I start by saying that am very well aware of the issues raised by the Tuggeranong Community Council. As Ms Lawder says, while I am not nearly as regular an attender as she is, I do try to attend when I can, as Kambah, which is part of Tuggeranong, is also part of the electorate of Murrumbidgee. I was there at the last meeting. Again, the situation of the buses on Anketell Street was talked about, and it was clear that the feeling of the meeting was that they did not appreciate the buses there.

If it were not for the feelings of the Tuggeranong Community Council, I would basically be saying that I just cannot get this. Why are we removing the buses? Removing the buses is, unfortunately, going to mean that they will have a longer route and, as Minister Steel said, they are going to be going through a narrower route which was never designed as a major transport route. I am really concerned that if this is going to be done, it needs to be done in a way that preserves our public transport. Tuggeranong has enough problems with public transport, as has been talked about by some of the other members of the Assembly. We do not want to do things which are going to add a minute or two to the time to get from Tuggeranong to Woden or the city.

If I was one of the people of Tuggeranong, living there, I would be looking at this. It is yet another example of poor planning in Tuggeranong. The idea that the main eating street would also be the street where the buses go just does not make sense. I know we did that in Gungahlin, but we have reduced that problem considerably by converting the buses to an electric tram, which is considerably quieter. But it has also been an issue there. Minister Steel was talking about removing the cars. I was not absolutely sure if he is in favour of that or not.

**Mr Steel:** I am not.

**MS LE COUTEUR:** It looks as though possibly he was not, but he was suggesting that Ms Lawder might be in favour of it. I am not quite sure if anyone is actually in favour of it but, given that somebody somewhere must be to have brought it up, I think it would be great if, as part of the consultation the government is looking at, it looked at removing the cars so that it really was a space which was great for people to have a cuppa at, have their breakfast at and have the kids play there. That would seem to me to be possibly a better solution.

We have to do a lot more community consultation but also look at how it is physically going to work. We have to consult with the bus drivers and work out what capital upgrades will be needed to allow the buses to safely move along Cowlshaw Street as an alternative on a permanent basis.

This is why I am not going to be supporting Ms Lawder's motion. It calls for the buses to be taken off Anketell Street immediately without allowing further work or consultation. This is not going to be good for bus passengers and it potentially is not going to be good for people who use Cowlshaw Street. It is a significant deviation. While some people would use that stop, most, I assume, would go through. We need to make sure that what we do does not delay bus passengers. Cowlshaw Street is also narrow. As I said, it was never designed to be a permanent, high volume bus route. The library is used by older people and young children. Again, having that on the major bus route into Tuggeranong may have some issues. We need engineering investigations to check that it is safe for permanent, high volume bus operations.

The ALP amendment is better. It is very clear that they are taking the Tuggeranong Community Council's concerns seriously. The amendment is talking about actually doing the work first.

In conclusion, I do believe that more work is needed before buses are taken off Anketell Street permanently. And there needs to be a real effort put into making changes in a way that does not delay bus passengers, that does not disadvantage bus passengers. Our previous debate has been all about encouraging the buses. I would like to encourage us to talk about buses in Tuggeranong seven days a week, not just talk about weekend bus services. We need to make sure that whatever is done to Cowlshaw Street will be safe for older people and young people under the permanent, high volume bus operations. This is why the Greens will be supporting the ALP amendment.

**MR WALL** (Brindabella) (4.53): I am proud to rise to add my support to the motion brought by the opposition today and support a position that the opposition has long supported. It is not just Ms Lawder's bringing of this motion here today; it is also worth reflecting that Mr Parton presented a petition in this place some two years ago calling for this to happen. That was well before network 19 was even implemented. It would have given the opportunity for the interim traffic measures during the construction phase to have been continued and rolled out as part of a new network. We are not asking for heaven and earth to be moved. We are asking for buses simply to be diverted down an alternative street.

The minister has jumped up and said that it is much more complicated than members think and that there are a bend, a fence and a divider at the northern end of Cowlshaw Street opposite the 55 Plus Club. If the minister were familiar with the area, he would know that there is another workaround that has much better movement for buses if buses are heading northbound: Reed Street North into Cowlshaw Street into Pitman and then straight into the interchange, which is the route that they were taking during the construction phase. To avoid the northern end of Cowlshaw Street where the divider is, you go onto the northern part of Anketell Street between Cowlshaw and

Pitman, down Pitman, down Cowlshaw Street, and back onto Reed Street North, and then you continue on the southbound route down the remainder of Anketell Street. Clearly the minister is not familiar with the area and failed to be appropriately briefed. There is more than one way to skin a proverbial cat, minister.

This is illustrative of the way that this government has treated Tuggeranong. Throw them the scraps, the ill-conceived ideas, and just forget about them and, hopefully, not get into trouble.

The town centre requires much more than a little tart-up on Anketell Street—some new car parking, some paving and an obscure sculpture—to fix that town centre area. The removal of buses from Anketell Street is a key aspect of the changes that are required. That has been evident in my conversations with residents and the many businesses that operate along there, and also those who own the properties opposite the South.Point town centre.

There is a dire need for more flexible planning rules to be implemented around those buildings to allow them to be revitalised. In the early 1990s when they were built, they served the purpose of the town centre, but the government's planning policies, particularly the lease variation charges applied to any changes to those, has rendered them almost unusable and unable to be redeveloped. That is an absolute travesty for the Tuggeranong community and it is wholly and solely the result of this government's contempt for developing our town centres.

It was encouraging to hear Mr Steel speak of some of the good work that Ms Joy Burch has been doing down in the electorate. She is the only Labor member who ever seems to pop her head up in the electorate, though it is infrequent. There are five members that Brindabella has elected to this Assembly. There is me, Ms Lawder, Mr Parton and Ms Joy Burch. There is a fifth one, but I do not think he quite remembers where his electorate is. He often gets lost. I am still not sure that he lives down there, but that would be about the only time he ever sees the place or does anything with it. However, it would be remiss of us to not remind everyone that Mr Gentleman is also a member for Brindabella, the absentee member.

The amendment that the government is proposing is weasel words at best. It says that we are going to think about it, talk about it and think about it some more. It says that we had better get permission from the TWU before we do anything. But this is a very simple change. It does not require much effort to work out the alternative. The implications for the network would probably see buses still running within what the government calls an on-time time window. The plus or minus a couple of minutes that are afforded for services to be deemed on time would probably be able to fit within the detour without any reworking of the existing network timetable. But that, of course, is if your bus is running.

I foreshadow that the opposition has further amendments to this motion. Mr Steel is suggesting that he not report back to the Assembly on the outcome until July next year. He needs 12 months to go down to talk to about a dozen businesses and a community that has already made clear its intentions about what needs to happen. It is about time that the government, and he as the minister, pull their finger out and get on with the

job of delivering what the community is asking them to do. Ms Lawder is going to be moving an amendment which will see the minister reporting back to the Assembly this year. That is a very generous window of opportunity for the work that should have already been done and an outcome that should have been implemented when the upgrades were completed. It should have been moved on sooner rather than later.

It is really quite galling that we have removed all the amenity of having a bus stop on the street, which I do not think anyone thinks is a detriment, when all the negative aspects of having the buses running down the street are still there.

**Mrs Jones:** Without the benefit of actually being able to get on one.

**MR WALL:** You now have buses running down the street without any bus stops. It is just bizarre. At least previously there was an alternative to having to get on or off your bus inside the bus interchange, which to some people is a confronting place to head into. Some safety concerns have been raised in other debates.

I will just touch on the comments of Ms Le Couteur and her wish to be able to support the opposition's calls here. Again there is the flip-flop and the wringing of the hands, saying, "I think I have to side with the government here." She is a cosy coalition partner of the Labor government. If she is represented as anything other than that, it is a misrepresentation of the truth. She is a member, free to make her mind up. She should not blame other causes for her own personal decision not to support the community's calls, which are reflected here in the opposition's motion.

**MS LAWDER (Brindabella) (5.00):** I will speak to the amendment. In some ways, I was vaguely heartened by Mr Steel's speech. He was quite measured and had some interesting points to make, although he did spend the first five minutes of his speech talking about the stage 2 improvements to Anketell Street, the laneways project et cetera. I thought I had made it quite clear that this was not the point of my motion. This motion is about buses on Anketell Street. It is not about the improvements or the laneway project.

The amendment that has been circulated by Mr Steel shows complete disregard for the people of Tuggeranong. It is taking all of us here for complete mugs if we think this is going to get us the result that we want. Just last week in answer to a question without notice Mr Steel said that the government was consulting before making a decision on whether re-routing is required. Really? We have just all heard about the years of consultation on this project. The government will consult and make a decision about one intersection. We are told that that is going to take yet another 10 months before a report is provided back to the Assembly. It is not before a change is made or roadworks are completed. It is 10 months before we have a report back to the Assembly.

Mr Steel also said that to make the decision would require significant capital investment. There have been millions spent on various road projects around Canberra. What we are talking about here is, in effect, one intersection that would take a tiny fraction of that money if the government had the will. Let us not forget that for more than six months buses have been running along Cowlshaw Street quite successfully.

It may be a bit of a tight fit in some places, like at that corner up near the Tuggeranong 55 Plus Club. But surely the bus would not be travelling at any speed that would make this difficult or dangerous for the highly skilled bus drivers that we have here in the ACT.

Mr Steel also tried to confuse the issue by saying that I was trying to get cars off Anketell Street. At one point I quoted a resident who has referred to taking cars off. I then explicitly said that that was not what I was talking about. I am not talking about taking all traffic off. I am talking about buses on Anketell Street. If you read my motion carefully, you will see that the word “buses” appears a few times. I do not think the word “cars” appears at all. The two words are spelt quite differently; so there should not be any confusion about whether I was talking about cars, which starts with a “C” or buses, which starts with a “B”. They are quite different. Let us not try to confuse the issue by misrepresenting something that I have said.

So where are we today? Mr Steel has said that there is no decision on removing the buses from Anketell Street. He says that he will bring a paper to the Assembly in June next year. So there is no decision, no commitment, despite years of toing and froing; years of petitions; years of letters; years of lobbying. Apparently, Joy Burch as well has lobbied very strongly to get the buses off. I actually have never heard her say that. She is not here to have her say on it. Maybe she will appear now that I have mentioned her name.

If she has lobbied so strongly for it, why have we had no result? Why hasn't there been an announcement that the buses are coming off? Why hasn't Mr Steel listened to Ms Joy Burch's very strong lobbying in this regard, taken note of it and thought, “Ms Joy Burch knows what the people of Tuggeranong want and I am going to listen to her”? No, that has not happened, because what they probably want to do is announce it as an election commitment which, again, would be pretty foolhardy, because we all know about their election commitments like the SPIRE project which was done on the back of a drink coaster, like the duplication of Ashley Drive, which was promised election after election. It has finally been done.

But what faith can we put in these election promises when we have gone back and forth. We have had community input over and over again saying, “Take the buses off Anketell Street.” Still nothing has happened. Still no decision has been made. Make a decision, please! Say either “yes” or “no”. Just be honest and not go on and on about it.

I move the following amendment to Mr Steel's amendment:

Omit paragraph (2)(e), substitute:

“(e) report back to the Assembly by the last sitting day of 2019.”.

While I am disappointed that we are not going to get a commitment today or a decision—God forbid we have a decision!—I would like to see Mr Steel come back to the Assembly much sooner than halfway through next year, just prior to an election.

I would like to see Mr Steel come back to the Assembly by the last sitting day of this year, by which point it would have been more than two years since the petition of more than 740 people from Tuggeranong was sent to the government requesting that buses come off Anketell Street. I look forward to voting on my amendment to Mr Steel's amendment.

**MR STEEL** (Murrumbidgee—Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Transport and City Services) (5.07): The government does not have a problem with supporting the amendment to my amendment to add a reporting date at an earlier time. As we have been over the past weeks, regardless of the motion brought forward in the Assembly today, we will continue to work through looking at these issues.

I am very happy to report back to the Assembly at an earlier date about how we are progressing with these works. As I have said before, it is not a simple matter. It is something that we need to continue to work on. Of course that is done in the context of the broader suite of upgrades that have been taking place along Anketell Street, stage 1 of works, stage 2 now being completed and then the laneways projects as well, and making sure that we are sequencing those works to minimise disruption and to ensure that we have safe routes for our public transport buses to use while those works are being undertaken. We will look very closely at what can be done. That work is underway. I look forward to reporting back to the Assembly this year rather than next year.

Of course we could have reported next year. Things could have progressed earlier than that and I could have provided a later update. So I do not think the reporting date is indicative of the work that has been going on right now or will happen in the future. But I am happy to support an earlier report-back date, which was not in Ms Lawder's original motion anyway.

**MS LAWDER** (Brindabella) (5.09): Today we saw, I think, a betrayal of the trust of the people of Tuggeranong, a betrayal of the trust of the Tuggeranong Community Council by our so-called crossbench; yes, the crossbench whose leader sits in cabinet and whose other member always says that they agree with what we are saying but votes the other way time and time again. We have heard these described as a watermelon. It is quite a common description amongst political students. This suits our crossbench. It describes a member of a political party who is green on the outside but red on the inside, which goes to my point that this is not really a crossbench at all. It is a government made up of Labor and Greens, tightly bound by their agreement. Occasionally a backbencher crosses the floor, but it is very rare because it follows the lead of the government. It must be a difficult position to be in, to know that you are selling out your ideals, to know that you are doing something that your residents, your constituents, believe is wrong. Just today someone wrote from the Tuggeranong Community Council to Ms Le Couteur saying:

... I urgently ask you to stand by the majority of residents today as the motion of "Removal of Buses from Anketell Street" is put forward by Nicole Lawder for the people of the Tuggeranong Valley who have raised the major problem of the buses in Anketell Street now for some years.

It goes on to say:

Caroline this could be the best decision for the Tuggeranong Residents to date and they do deserve this decision for change! To put forward “consider” would not assist the residents at all, so I do so hope that you would assist us all at this time and vote today to have the buses removed from the area of Anketell Street! The TCC have put this forward some years as we have constant requests for this to be done, it is a major issue we have realised for the people of Tuggeranong!

Please Caroline, can we count on you to support us all as we today have this raised in the Assembly by Nicole Lawder, Please support this motion by Nicole Lawder and I and so many people will always remember today as a day of change for the Town Centre of Tuggeranong. This so one wonderful gesture you can also make for Tuggeranong before you leave the Assembly!

But, no. This is a heartfelt plea, a sincere appeal for support for a commonsense motion here in the Assembly.

I am not expecting buses to stop running today. I think we could all agree that we could wait a couple of weeks or months for some upgrade work, some roadworks to take place, but not on the never-never forever. We have not got a decision today. All we have in this amended motion is “consider”. “We’ll consider. We’ll think about it some more.” That is what we have got today.

It must be heartbreaking for people in Tuggeranong to have people stand up in front of them at meetings and say, “Yes, I agree. I support what you are saying. Yes, absolutely,” and then vote against it on the floor of the Assembly. What a betrayal of their trust. I wonder whether Ms Le Couteur will be able to show her face at the Tuggeranong Community Council again. I had a vain hope that perhaps in her last 15 months or so in the Assembly, since Ms Le Couteur had decided not to re-stand, she would actually stand up for her principles, that she would make a stand. I have been disappointed today.

What we are seeing here is the Greens supporting the amendment from Mr Steel which says they will “consider”. They will keep considering as they have for the past six or more months while Anketell Street has been closed and for the past nearly two years since the petition. They will keep considering for some undisclosed, unspecified period into the future. But this is not a hypothetical question. This is a very real issue for the people of Tuggeranong: the amenity of their restaurant strip, the viability of their businesses and the safety of residents using that area. The minister himself has admitted that there are very real safety concerns.

But, no, we still do not actually have a decision. Let us not forget that. I am a bit surprised. I am pretty disappointed. In fact I am bitterly disappointed that we could not have let this quite commonsense motion through the Assembly today. It leaves Tuggeranong behind once again. It leaves Tuggeranong residents feeling neglected once again. It leaves Tuggeranong people thinking that this government does not care about them, once again.

We had a chance to do something pretty straightforward today, something that has been in place for more than six months already. It is not a brand-new concept. It is a real opportunity to deliver a real and tangible result for the people of Tuggeranong. But the Greens have sunk that opportunity and supported the Labor amendment. It is bitterly disappointing that we could not have had some common sense prevail today in the Assembly.

I will look forward to Mr Steel's update and his allusion to the fact that he could progress things more quickly. The people of Tuggeranong would love for that to be the case. But I am sure that, like me—because I am a resident of Tuggeranong—they are bemused as to why we could not get a commitment, a definite answer, a decision today that “Yes, we're going to do the work to take the buses off Anketell Street forever. Yes, we are.” How simple would that have been? Apparently, though, it is too hard for this Labor-Greens government.

**Ms Lawder's** amendment to **Mr Steel's** proposed amendment agreed to.

**Mr Steel's** amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

## **Light rail—extension of service**

**MR PETTERSSON** (Yerrabi) (5.17): I move:

That this Assembly:

- (1) notes the popularity of Stage 1 of the light rail since it opened in April, including:
  - (a) 20 per cent of all boardings across the entire public transport network are now on a light rail service;
  - (b) public transport journeys starting in Gungahlin have increased 32 per cent compared to the same period last year;
  - (c) the millionth light rail passenger boarded light rail in mid-July;
  - (d) since the commencement of services, 15,125 passengers on average per day have used light rail. The estimated daily light rail patronage in the Light Rail Stage 1 business case was 15,120 per day in 2021; and
  - (e) the early success has led Canberra Metro to putting on an additional service on the morning and evening peaks, together with two extra services for students in the afternoon peak;
- (2) notes that, due to the success of light rail, services are nearing capacity in peak periods; and
- (3) calls on the government to work with Canberra Metro to explore the possibility of increasing services during the peak periods.

Since opening in April, the first stage of light rail has been a resounding success. Light rail is transforming Canberra's transport system to that of one suitable for a

modern, progressive and liveable city. Light rail was a key election promise for our government and it is an example of our commitment to sustainable planning for Canberra's future. Clearly, Gungahlin and inner north residents are also big fans of light rail.

At peak times during people's daily commute, light rail vehicles are often at capacity. That is why I am calling on the government to explore the viability of increasing light rail services during this time. More services will reduce crowding and ensure that light rail use continues to grow.

Light rail has been extremely popular since journeys began, a clear endorsement of our vision for Canberra. The first month of free travel encouraged many Canberrans to try public transport for the first time or maybe even return to it. Light rail's popularity has continued since the free period ended. In comparison to this time last year, public transport use to and from Gungahlin and the city has increased by 32 per cent. Public transport use over the weekend has increased by a third, as passengers use the light rail to visit cafes, see friends or, in my case, as I fessed up to earlier today, to hit the town. Given that light rail still runs every 15 minutes over the weekend, it is a viable alternative to using a car.

Across the entire transport network, 20 per cent of all boardings are now on a light rail service. This shows that new passengers are now taking public transport that previously did not. This reduces congestion on roads and car parking in the city, a flow-on effect that benefits Canberrans who do not catch light rail.

This rapid increase in use of public transport and adoption of light rail has exceeded expectations. Since the commencement of services, on average 15,125 passengers catch light rail every day. These passenger numbers mean that light rail has already passed the estimated patronage expected by 2021 in the original business case. This clearly shows that light rail is a hugely popular service and that Canberrans want bold, large-scale infrastructure projects.

Given this success, Canberra Metro has already increased the length of the peak period as well as adding additional services for school students in the afternoon. This early response to the above-expected passenger numbers is a good thing as it is clear that the service can respond to growth in passenger numbers, something that will only continue as more and more residents move into Gungahlin and along the corridor. However, I think that, given the popularity of light rail, we need more services across peak times.

I have had numerous constituents raise this issue with me. They love light rail but they find that busy period overcrowded, which can make commuting less comfortable. During these peak times, light rail vehicles are sometimes at capacity and passengers must squish in. Passengers have sometimes had to wait for the next light rail vehicle because the one in front of them was full. This means that whilst a light rail vehicle arrives every six minutes many passengers can wait longer because the vehicle in front of them has reached capacity. Increasing the frequency of light rail vehicles during this time would help alleviate this issue by reducing crowding and ultimately the wait time.

Now is the time for our government to be responsive and increase the frequency of services. We want light rail to continue to be enjoyable and an easy journey, as it currently is, and that means responding to issues as they arise, increasing capacity as needed. We want to cultivate and develop light rail so that it is a world-class public transport system. This means constant monitoring and adapting.

After speaking with constituents, I think that increasing the frequency of services would help this issue. That is why I have put forward this motion today calling on the government to work with Canberra Metro to explore whether increasing the frequency of light rail services during peak periods can be implemented.

Light rail has been successful on a number of other metrics. Light rail has been delivered under budget with a saving of \$108 million. This saving has increased the cost-benefit ratio to at least 1.3, meaning that for every dollar invested Canberrans get \$1.30 in benefits: better transport, less congestion, increased value of homes and businesses and more jobs. Hopefully stage 2 of light rail can get underway soon so that these benefits are extended to other parts of our city.

There are many reasons for light rail's popularity. Light rail is better for the environment, reducing our city's reliance on petrol in favour of renewable energy. Light rail takes passengers from Gungahlin to the city in under 30 minutes because it has right of way with traffic lights, it moves quickly and efficiently, and it is faster than driving the same route in a car during peak times. It is easier to catch than other forms of public transport due to its frequency and set journey. It is also more accessible, with no step-up to get onto the vehicle, and priority seating for wheelchairs and prams. And you can get a bike on there as well. All these great benefits mean that more and more people are choosing to use light rail.

Gungahlin is one of the fastest growing areas in the country and in the ACT. We have new suburbs developing, and the population is going to continue growing. The density of housing along the light rail corridor will also increase, with more apartments and townhouses replacing older houses and apartments as more Canberrans want to live closer to that transport corridor.

These population pressures are why building light rail in the first place was such an important policy decision to ensure that these areas remain great places to live. Given that passenger numbers are only going to grow, it is clear that increasing the frequency of services is going to be needed to transport passengers efficiently and quickly.

Long commute times and uncomfortable journeys negatively impact workers and communities. Studies have shown that long commutes impact worker productivity and job satisfaction. I have got no doubt that a long and uncomfortable journey does even more so. Long commutes reduce the time workers have for exercise, social activities, community engagement and family time. This can have a negative impact, both physical and mental. This issue is something that the ACT government has been mindful of and it is why the ACT government is implementing a transport plan that is ready for Canberra's future as our city continues to grow.

The light rail network is part of an integrated transport plan for Canberra that ensures that our city does not become gridlocked and overcrowded. Ensuring that light rail keeps up with demand is therefore vital. This is not an issue that was expected to come up so soon after light rail began operating but ultimately it is a sign of light rail's success and popularity. This is a good problem to have. It is proof that Canberrans approve of this government's vision for our transport system.

The popularity of light rail is a great thing for Canberra. More and more Canberrans are ditching their cars in favour of public transport. Passenger numbers are exceeding expectations. However, this means that during peak times light rail can be a bit crowded. We must be proactive and adaptive to the needs of passengers, and increasing the frequency of services would alleviate some of these issues. We must continue to make light rail even better so that passengers continue to have a relaxed and easy commute.

**MR STEEL** (Murrumbidgee—Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Transport and City Services) (5.25): I am very pleased to provide an update to the Assembly today on the success of the first stage of light rail, and I thank Mr Pettersson for bringing this motion forward. Light rail stage 1 is now well into its operations, and the success of the service speaks for itself. Record numbers of Canberrans are choosing to use light rail, and our public transport network more broadly, significant numbers, allowing them to get to the office and back home and to get to places they love to visit more quickly and easily.

In what has been the biggest change to public transport services ever in Canberra, the introduction of the first stage of light rail is transforming our public transport network. It is supporting our growing population, mitigating road congestion and addressing climate change. We know that a modern integrated transport system is key to positioning Canberra within the region, in the nation and internationally as a great place to live, study, visit, invest and work. Since the commencement of the new public transport network, including light rail services, on 29 April, we have seen the community embracing light rail. It has been acknowledged as a major infrastructure success for the community and public transport in Canberra.

I am advised that as at 13 August 2019 Transport Canberra had recorded 1,387,813 passengers using light rail services. As Mr Pettersson mentioned, that is perhaps a bit further than we thought we would get in terms of passenger numbers. Since the commencement of services, 15,125 passengers have boarded light rail, on average, per day. The estimated daily light rail patronage in the light rail stage 1 business case was 15,120 per day in 2021, a couple of years down the track. Members may know that transport data is highly seasonal, and this period of build-up of passenger numbers, the 15,125, has taken place during quite a period of cold weather during the winter. We know that we have higher numbers generally across our public transport network in warmer periods of the year, so I am really looking forward to the data that is yet to come in relation to patronage later this year as operations continue.

The level of patronage has exceeded all expectations along the corridor, with the number of public transport journeys starting in the district of Gungahlin being 32 per cent higher in June 2019 than in June 2018. More people are using public transport in that region, which is great to see, and patronage growth in the inner north has been very strong. Light rail now accounts for around 20 per cent of patronage of all Transport Canberra services across the city.

With a travel time of 24 minutes between Gungahlin and the city, the people of Canberra are taking the opportunity to use light rail, especially during peak periods, when services are running nearly full. People are saving money by not having to pay for car parking and saving time by being able to get to work quickly and efficiently. They are also responding to the great comfort of our light rail vehicles.

Transport Canberra has been responding to the increased patronage that we are seeing on light rail by putting on a range of additional services to meet the need. They include one additional service in the morning peak that runs from the light rail depot, commencing at the Nullabor stop, proceeding south to Alinga Street; two additional services between 3 pm and 4 pm to pick up students going northbound, resulting in eight services instead of six between 3 pm and 4 pm before the afternoon peak begins at 4 pm; and one additional service between 6 pm and 6.30 pm, increasing the frequency from 15 minutes to 10 minutes, on average, during that period.

As part of the motion—I really support Mr Pettersson’s advocacy on this issue; he knows well the number of people that are using the light rail every day—we will be exploring the possibility of permanently increasing these services, together with exploring the possibility of even more services during the very popular peak periods.

It is also pleasing to note that active travel has been integrated with light rail. It is providing an efficient link for Canberrans when they are taking journeys on the corridor. Many people are riding their bikes to the light rail stops and using the newly installed bike facilities. That includes on board on light rail. We have heard the comments that, with the number of people using them, sometimes there is not the space for bikes; additional services will help to accommodate those.

The urban renewal program which Mr Pettersson mentioned has been very significant along the corridor. We really are seeing the wider economic benefits of light rail stage 1 being realised. Many construction projects are nearing completion. When they come online, we expect that this will only add to the number of Canberrans that are using light rail every day.

Our light rail service is comfortable; it is functional; it is attractive for customers. These are the reasons why our government has invested in this service for Canberra. The system has been designed to be functional and modern, with specific consideration given to Canberra’s unique environment. To add to the safety of light rail stops, CCTV is operational, operating in conjunction with emergency help points that are located at all stops and within light rail vehicles.

In response to community concerns, the government has committed to the construction of an additional light rail stop on Flemington Road in Mitchell. Construction is expected to commence in this financial year. The newly constructed stop will support local businesses and residents of Gungahlin and north Canberra, providing improved access to public transport in Mitchell. In addition to the construction of the light rail stop, pedestrians and cyclists will find it easier to access the Mitchell business precinct, with gaps in the Flemington Road path network to be addressed. That was funded through the budget. Other residents will benefit from the park-and-ride facility at EPIC, which will reopen shortly, after being used as a work compound during the construction of light rail. This will provide an additional facility for the community, providing another option for customers to use public transport instead of driving to the city.

To respond to the growing demand for light rail, as I have mentioned, we will be asking Transport Canberra to work with Canberra Metro to deliver additional light rail services for the community on light rail stage 1. I thank Mr Pettersson for his advocacy. We have an agreement with Canberra Metro around the operation of light rail. We will investigate the options for additional services to be added to the timetable, both in the morning and in the afternoon peak periods, to address the current demand that we are seeing.

This is a very good problem to have, but it is a problem, and we are very happy to look at what we can do to try to alleviate it. Transport Canberra will work with Canberra Metro to investigate the opportunity to add those light rail services, operating to both the city and Gungahlin, and to give Canberrans a realistic alternative to getting in their cars. Introducing the changes will take time, as the contract between the territory and Canberra Metro provides for a lead-in time for the introduction of additional services. I will update the Assembly in November with the progress of those investigations.

With the success of light rail stage 1, the ACT government is looking forward to extending light rail to other parts of the city as part of a city-wide light rail network. That will help to further transform our public transport system into an attractive, integrated transport network for our growing city so that even more Canberrans can benefit from light rail. We want to extend the benefits that we are seeing on the Gungahlin to city corridor to other parts of Canberra. I am really looking forward to continuing to work on how we are doing that, particularly in the second stage, from the city to Woden, and then in future stages that have been outlined in our light rail master plan.

Once again, I thank Mr Pettersson for providing me with the opportunity to give an update on the successful introduction of light rail operations and the enthusiastic adoption of light rail that we have seen from Canberrans. I am looking forward to providing an update on how we have gone in terms of exploring the feasibility of increasing light rail services further for Canberrans.

**MISS C BURCH** (Kurrajong) (5.35): It is great to see a Labor backbencher bringing forward a motion that extends beyond the usual virtue signalling and flogging of

issues outside the ACT jurisdiction that we too often see in this place. Mr Pettersson's motion, however, ignores all of the issues with the current transport network that we continue to hear about across our city.

Had Mr Pettersson paid any attention during estimates, he would have understood just how badly his government's new integrated transport network has impacted Canberrans across the territory. If he had been paying attention, he would know that there were over 4,000 complaints made to Transport Canberra regarding the new bus network, which is not accessible, convenient or reliable. To come into this place and sing the praises of a project that has come at the cost of a reliable bus network for all Canberrans is unacceptable and does a disservice to many across our territory. Mr Pettersson is adding insult to injury to the thousands of Canberrans who have lost their regular school services and regular suburban bus routes and who have their weekend services constantly cancelled.

The government is desperately attempting to make out that the new transport network is a raging success, but it is a very different story if you speak to the thousands of residents in Tuggeranong and the south side of Canberra who are battling to get onto a bus to make it to work on time. Ask the parents of primary school children who have to catch four buses every day to get to and from school or the 7,000 Canberrans who have signed petitions since the beginning of April saying what they really think about this Labor-Greens government's transport system.

The light rail might be bringing people to and from Gungahlin and the city, but the duties of this government go well beyond the 90,000-odd people in Mr Pettersson's electorate and beyond the Canberrans who live along the network, the light rail line. The government needs to stop and think about all of these residents across Canberra.

If Mr Pettersson actually cared about his constituents, he would have noted that only six of the 22 schools in his electorate have access to one dedicated school bus route. He would have also noted that the other 16 have all had dedicated school services cut by his government. Instead, his motion fails to mention the thousands of residents that this transport minister has left behind. Unfortunately, for these thousands of residents, we are yet to see any Labor members willing to bring forward motions in this place calling on the government to explore the possibility of increasing network connectivity in their suburbs.

Mr Pettersson's motion references the success of light rail but forgets to mention the mountain of building quality and safety concerns around light rail stage 1: exposed electrical wiring and construction issues, a litany of near misses with members of the general public and a \$500,000 light rail launch party, all conveniently left out of this motion today. We have a certifier conveniently let go, and the Electrical Trades Union deeply concerned with the quality of the project. And let us not forget the under-resourcing and lack of training for the emergency services teams, who have a whole new set of challenges to deal with following the commencement of light rail.

One of the problems with light rail was always going to be the lack of scalability of services, particularly in peak times. This is obviously something that the government needs to address, but to continue to ignore the way in which so many Canberrans have

been disadvantaged under network 19 once again shows the complete and utter contempt that this government has for Canberrans.

**MR RATTENBURY** (Kurrajong) (5.38): The Greens will be supporting this motion today. We are very happy to see the numbers that Mr Pettersson has highlighted in his motion today. They demonstrate how light rail stage 1 in Canberra has enhanced Canberra's public transport options and attracted people to use public transport.

We see this as a further validation of our advocacy for light rail for so many years. It is a testament to the fact that this is a great step forward in public transport for the ACT. Reaching our 2021 targets this early is a good problem to have. I have heard that phrase used a couple of times already in this debate; I think it is a fair one. I appreciated Mr Steel's comment. It is a good problem to have, but it is still a problem. That goes to the heart of this motion—that that popularity means we need to take further steps. We need to respond to the public response to light rail and think about how to make sure we continue to provide a service that people clearly like and make sure that it remains at the standard they expect.

I am pleased to see that increased peak services have already been added, both for students returning from school and for worker transit peaks, but clearly it is important to look at how to meet the increased demand as soon as possible. As we face the reality of climate change, there must be an urgency to our efforts to provide the infrastructure to give people an option to get out of their cars and into public transport.

On the face of it, while more light rail services will benefit residents of Gungahlin and the inner north by further reducing car traffic into the city, the resulting reduction in traffic and parking congestion will also benefit residents of other areas who may need to drive. That is a reality for some people, and we need to think about how our whole transport system works together. Certainly, one of the positive things we can do is to maximise the number of people that take public transport and maximise the options for them.

It is also useful to reflect on this experience as we move through the planning phase for light rail stage 2. All of the priorities need to be weighed up, but there is a strong argument to ride the wave of popularity for light rail, increasing services where needed, before it becomes known for overcrowding and passengers are put off.

As I said in my remarks earlier—and Mr Pettersson made a similar comment—people like it, but we need to make sure they do not get discouraged by overcrowding. Now is the time to entrench the new habit of taking public transport, which some people have done for the first time. I have met people who have said, "I'm so impressed by light rail that I've started taking public transport in a way that I never did." It has opened up a world of convenience for some people and it has opened up a world of comfort. People like it as a form of transport, and the numbers using it certainly reflect that. We need to make the most of this opportunity and the investment already made to reduce traffic congestion in our city and reduce our community's contribution to climate change.

We understand that there is no magic wand to increase the service instantly. There will need to be negotiations with Canberra Metro. Some of the issues that the government and Canberra Metro may need to consider will include whether more light rail vehicles are required to adequately service the peak or whether it can be met with existing vehicles.

I understand that, on one hand, there are some light rail vehicles offline during peaks, but at least some of these are needed to cover the rotation of vehicles for maintenance, safety checks and the like, so there is a question mark about exactly how many vehicles are needed to provide a particular timetable. On the other hand, I have heard people say—and I have been told that it is easily achievable—that we should increase frequency during peaks from six minutes to four or five minutes. That is clearly a point around which the government, the minister and his team in the directorate will need to negotiate.

Increased services will mean more shifts to be filled. One of the questions in my mind is: could these be filled by current drivers or do we need to train more? There is a time line to bringing more drivers on, if needed. And can Canberra Metro and the government meet these costs within existing agreements, budgets and targets or is extra financing required?

It is appropriate for the Assembly to take a consultative approach, asking the government to work with Canberra Metro to explore the possibility of increasing services during peak periods so that we can answer some of those questions that are certainly in my mind, and there are probably some others that my team and I have not thought of. However, for the Assembly and the public, it would be more useful if this call came with some time frames, and that is why I am moving an amendment. I move the amendment that has been circulated in my name:

In paragraph (3), after “peak periods”, add: “, and to report back to the Assembly by the end of its November 2019 sittings on the progress of this work.”.

The amendment simply seeks to provide for reporting back to the Assembly by the end of this year. It may or may not be the case that all of the answers are available at that time, but, given the level of interest in the Assembly and in the community, I would welcome the minister at least providing an update at that time. Even if he does not have all of the answers, I am sure he will be able to provide some information. In that way the Assembly and the public can hear about what can be done as soon as possible; also we can hear about how long some of these changes might take, if there are steps that need to be taken.

We want to make the most of our investment in climate change prevention and a sustainable city, which is what light rail fundamentally is, by seizing the moment and getting as many people as possible out of their cars and making the most of light rail. Part of that is about making sure that, at those peak times, people can get on, that they can get on with their bicycles, that they enjoy the ride and that there are enough services to meet demand.

I thank Mr Pettersson for his motion today. He has highlighted an important issue, and I commend my amendment to the Assembly.

**MS LAWDER** (Brindabella) (5.45): I am happy to rise to speak to this motion today. I asked some of my constituents in Tuggeranong how they feel about the success of light rail, and I have a few comments to provide on their behalf. Mr Rattenbury made the point that it has attracted people to use public transport. The motion calls on the minister to respond to public response to light rail. That is pretty hard to do when you do not have light rail or buses. It is hard to use public transport when there are no buses provided.

We talk about an integrated transport network. In large parts of Tuggeranong at the moment, that seems to be pretty much like walking—walking using the expedition planner, which recommends that you walk for one, two or 12 kilometres to your nearest bus stop. We have lost regular bus services. We have lost school bus services. We are having trouble getting weekend services. With respect to what some of my constituents have said, Mr U of Gordon said:

Have to change bus in the morning. No expresso. Now have to go to Tuggeranong and swap buses. Why have Tuggeranong buses changed? No light rail in Tuggeranong.

Ms R of Wanniasa said:

Please reinstate Wanniasa suburban buses. Many like me suffering due to close by bus stops removed with no reasonable alternative offered.

Mr R of Richardson said:

Used to catch 765 from Civic. Now have to change buses but the bus via Monaro Highway doesn't allow enough leeway for peak hour traffic delays on Monaro Highway.

For these people and dozens, if not hundreds, more people, there is no integrated transport network. Potentially, there is no transport, let alone a network. They are left with bus stops closed and bus services cancelled. It is difficult for them to get to their appointments.

I have heard countless stories of people who have to catch several buses, but the first bus arrives after the next bus has left about 30 seconds beforehand. I am not sure what part of that is “integrated”. I am not sure what part of a network missing a bus by 30 seconds and then having to wait 40 minutes displays. I am not sure what closing bus stops and cancelling bus services means for transport.

Many of my constituents are bemused—and I have said this in this place several times—as to why we had wholesale, large-scale changes to the bus network in Tuggeranong to reflect the light rail from Gungahlin to the city. People may have been happy with some minor changes, but such large-scale changes have left them isolated.

They cannot catch the light rail because they cannot get a bus there to catch it in the first place. It is an expedition for them to get to the light rail. I have not been on the light rail yet, but I am looking forward to giving it a go. I know a couple of people who have tried it and they liked it. That is always good. But when you take away people's transport options, it makes them isolated and it makes them resentful—resentful that what seemed to be working perfectly well for them has been taken away for no apparent reason. I will read a letter from one constituent in Wanniasa who is aged 84:

I am writing this letter to express my disappointment and anger in regard to the new bus services which have recently come into operation in the ACT. My husband and I and our children moved to Wanniasa in 1983, as the area was a thriving new suburb complete with all the facilities within walking distance of our home, including schools and public transport.

Our intention was to grow old together in our local area as it continued to grow. Over the years, we have watched a lot of our essential services dwindle as they move to where new areas are opening up and where there is more demand in these new suburbs.

But because they move out of my area, I am forced to travel out of the area for services that had been here for years, leaving me one affordable option of getting around Canberra, which is public transport. I have relied on public buses to get to appointments, grocery shopping, et cetera, as I do not drive.

My husband died and I had a stroke a few years ago. I am not getting any younger and my health is not as good as it used to be. I was able to maintain my independence by using public transport, which allowed me to keep my appointments and buy the basics in food, et cetera.

I am now forced to rely on the new bus system, which does not even come near my place anymore, as the route has been abolished. The flexible bus service has been introduced, but has made my getting around Canberra very stressful and many hours to do a few simple things.

If I need to travel to get to Woden, I need to ring the required number 48 hours in advance of my travel, and it only takes me to Erindale or Tuggeranong, where I then need to catch another bus to Woden if I need to. For the return journey home, I have very limited time to catch the bus, which I have to book again within 48 hours in advance to get back to my home address. If I miss this bus, then I have to make my own way home, usually in a taxi.

I am fed up with the new Canberra public transport system, which no longer appears to care about the elderly. Major issues that now present themselves include the distance the elderly have to walk to get to a bus stop, the weather or the ability to do a weekly shop, as we cannot carry heavy bags up the hill to get to our homes.

Families can't drop everything to assist us every time we need to see our doctor, buy food, pay bills, et cetera. I have used the Canberra buses for a long time now, but the latest timetable has ceased to be viable for me, as a simple task can now take me all day in travel time to get done.

The new bus routes and timetable books put out can be very heavy for someone like me, and if I need to travel to the north side of Canberra, it can take the majority of my day to get to my destination and back home. Please address this issue which has been created for the elderly like myself and doubtless many others with disabilities, health issues, et cetera.

I pride myself because until now, I have managed to live independently with limited help, but the poor system you have introduced has taken away my independence. Please consider giving me back my bus service and independence, which I need.

This is not a single example. This is indicative of dozens, if not hundreds, of letters, emails and messages that I have received. There is no “integrated” in the transport network for people in the southern suburbs. In many places there is not even transport or a network. There are no buses and there is no light rail; there are only taxis, families and the flexibus. We are kidding ourselves if we are talking about an integrated transport network. We are kidding ourselves if we think it is encouraging people to use public transport, because it is sending people away from public transport, not because they do not like public transport but because they do not have any public transport anymore.

The light rail being crowded is a great issue to have. The concept of putting on more services to meet demand is a great issue to have. But let us not forget about those people for whom there are no longer any transport options, or very limited transport options. Some areas have a wealth of riches, a surfeit of riches, but people in the south once again feel like the poor cousins—the forgotten, the neglected, the left out. Please, if you are going to have an integrated transport network, consider having integration, having transport and having a network.

**MR PETTERSSON** (Yerrabi) (5.54): In closing, I listened with great interest to all of the speakers, and I took particular note of what the opposition had to say. I notice that we have a bit of an audience now, so I thought I would remind everyone listening that this motion is about light rail. For those that listened and might have got confused, this motion is not about buses, but I can see how some people might get confused between the two. To borrow some phrasing from earlier today, light rail starts with an “L”; buses start with a “B”. They are very different.

The other observation that I would make is that it is like getting blood from a stone, trying to get the Canberra Liberals to discuss just how popular light rail is. They dance around it in every way they can. They mention that they have discussed it with someone who thought it was popular. But they will not utter the words themselves that light rail is popular.

The final observation that definitely needs to be remarked on is that Ms Lawder admitted that she had never been on light rail. Ms Lawder, I understand that you are from the deep south of Canberra. I am from Gungahlin, and I extend an invitation to you to come along. I will take you on light rail. We can make an adventure of it. I am sure you will enjoy it. Maybe at that point you will talk about how popular it is. But I digress, Madam Speaker.

Passenger numbers are above and beyond what was originally expected at this time in the business case. This is ultimately a good thing. This popularity is why the government must work with Canberra Metro to investigate expanding the frequency of services. We have seen enormous community support for and uptake of light rail. It is transforming our transportation system. It makes public transport easier to use, better for the environment, more comfortable and, in many instances, in peak periods, faster than travelling by car. It is no wonder that passenger numbers are as high as they are. Over 15,000 people per day are using light rail. Already over one million trips have been made.

We must, and we should, continue to encourage everyone to use public transport when it suits their needs. Increasing the frequency of the services at this time will mean moving people onto the service faster, with less time waiting on platforms, and ultimately they will have a more enjoyable journey. Put simply, increasing the frequency of services will make for a better experience.

We must continue to adapt the light rail to suit the needs of passengers. As we look to the future, as populations change and as our city changes, when stage 2 is complete, more changes may be required. This is not a bad thing. Change is good. Being adaptive to issues is an important part of running an effective transportation system—something that I think this government does really well. Light rail is incredibly popular, and this means the government must continue to monitor it to ensure that Canberrans continue to have a relaxed and comfortable commute.

Amendment agreed to.

Original question, as amended, resolved in the affirmative

## **Adjournment**

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

That the Assembly do now adjourn.

## **CMAG Nolan exhibition**

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services, Minister for Government Services and Procurement and Minister for Seniors and Veterans) (5.58): I am delighted to rise this afternoon to celebrate the Canberra Museum and Gallery's new exhibition, the *Nolan Collection*. I had the pleasure of opening the exhibition last week, on 8 August, and I am delighted to welcome to the gallery tonight Harriet Elvin, the CEO of the Cultural Facilities Corporation, and a number of members of the CMAG staff.

Sidney Nolan is one of Australia's truly iconic artists. With an incredible diversity of techniques, interests, subjects and materials, he helped shape the modern Australian identity, not least of which through the famous Ned Kelly series which showed the

world that we had our own story to tell in a landscape that is indeed unique. Born in Melbourne in 1917, of working class roots, Nolan famously rejected formal art training and instead worked as a commercial artist. He read poetry and literature voraciously and he shared ideas with other young artists.

While we probably well know the image of the Kelly mask, one thing that people might not know about Sidney Nolan is just how generous he was. He wanted to share his artistic legacy with the people of Australia, and this collection that is managed by CMAG, on behalf of the Australian government, was his gift to the nation. It is a testament to his vision, to his generosity and to his desire to leave an enduring legacy for those who followed him.

The new space up the stairs at CMAG marks a new era for the *Nolan Collection*. It will be an ongoing home for the collection, newly refitted with museum-standard temperature and humidity control. It is the first stage of a project to upgrade the facilities at CMAG with capital funding that has been provided by the ACT government, which will also include upgrading and expanding CMAG's storage facility to expand CMAG's capacity to collect, to conserve and to exhibit our region's art and history into the future. Displayed in their new home, the works have been reinterpreted to tell Nolan's story chronologically, and this allows visitors to go on the creative journey with the artist as he explores ideas, materials and different techniques.

The exhibition mainly comprises works gifted by Nolan but I am also delighted to advise members that it includes a beautiful work that has been recently purchased at auction by CMAG for the collection. It is called the *Rite of Spring* and it is an insight into another of Nolan's passions: designing sets for opera, theatre and dance. The work was part of the design process for the set of the 1962 ballet of the same name and, while the ballet was presented at the Royal Opera House in Covent Garden, Nolan was inspired by his memories of the Central Australian desert landscape.

Another important component of the exhibition is the young Nolan project. That is a display wall just outside the gallery that is part of a learning program at CMAG. At the opening last week I met with year 1 students from the Ainslie Primary School whose work is currently on display there. The work of hundreds more students will feature there in the future. The Ainslie students gifted me with a fantastic Nolan-inspired drawing, and that is now on display in my office.

I place on record my thanks to the staff at CMAG for their excellent work on this exhibition and I encourage all members and everyone across Canberra to visit the new display space, to dive into the wonderful story of Sidney Nolan.

### **Environment—Giralang and Kaleen**

**MS ORR** (Yerrabi) (6.02): I rise this evening to update the Assembly on recent events in Giralang and Kaleen. On Saturday 22 June I, along with Alicia Payne, the member for Canberra, hosted a community clean-up and barbecue at Giralang pond in collaboration with the Giralang Pond Landcare Group. We invited all residents in Giralang and Kaleen to come down to the Giralang pond for a morning of hands-on environmentalism, by cleaning up all the rubbish that had found its way into the pond.

The event was a resounding success, with over 30 people coming out to help clean up the Giralang pond and enjoy a barbecue with their friends, family and neighbours. Together, we collected over 20 bags of rubbish and left the pond and the surrounding area a lot better off than how we found it.

As well as the satisfaction of knowing that the Giralang pond was now cleaner and healthier, I think I can say that everyone who came took away something extra. For Alicia and me, it was an excellent opportunity to meet and catch up with members of our electorates. For the wonderful people of Giralang and Kaleen who came along, it was an opportunity to meet their neighbours and to get more involved in their local community. And for the Giralang Pond Landcare Group, the clean-up proved to be an excellent recruitment opportunity. I take this opportunity to give my sincere and heartfelt thanks to everyone who came to the clean-up.

I also take a moment to acknowledge Ms Denise Kay. As President of the Giralang Pond Landcare Group, Denise has worked tirelessly to protect and improve the Giralang pond. She has hosted numerous Clean Up Australia Day clean-ups at the Giralang pond, secured new seating around the pond to make it a better communal area for the Giralang community and has had lights added to make the area safer at night. I congratulate and thank Denise for her outstanding dedication to Giralang's environment and community.

Last month I went along to a community tree planting with the Giralang Pond Landcare Group to mark National Tree Day on 28 July. Once again, the Giralang community was invited to come together to support their local environment and once again the Giralang community did not disappoint. We had a fantastic turnout and were able to plant 50 new trees throughout the Giralang wetlands. These new trees will help improve habitat quality for wildlife, increase shade around the wetlands and improve the amenity of this natural green space, while also mitigating the impact of heat and climate change.

Tonight I thank everyone who attended the tree planting and, most importantly, I thank the entire Giralang Pond Landcare Group for organising the tree planting day. It was wonderful to catch up with members of the Giralang Pond Landcare Group and it was also great to see people who had attended the community clean-up back out in our community.

As someone who is deeply passionate about supporting and protecting our environment, I found it extremely encouraging to see the Giralang and Kaleen community embrace and participate in both events. Engaging with the local community of my electorate is one of the best parts of being a local member and I am very much looking forward to working with the Giralang Pond Landcare group into the future.

### **Breastmilk bank**

**MS CHEYNE** (Ginninderra) (6.05): We know that breastmilk contains nutrients essential for children's development and immunity, but unfortunately the decision to

breastfeed is not always a choice. You might recall that last October I shared the stories of Canberra women who could not produce enough milk for their babies, and of others who happened to produce too much. Some women were able to access the limited supply of donor breastmilk from the Centenary Hospital for Women and Children. Some parents took things into their own hands, sharing milk through word of mouth and social media. Other parents simply missed out—missed out on receiving and missed out on donating.

These women's stories made it clear why we need a milk bank. A bank would be a physical location and organisation that collects, screens, and dispenses breastmilk which is pasteurised to limit the risk of infection. It will make it easier for women to donate and receive breastmilk in a safe environment. This reform has broad support inside and outside the Assembly. When I was preparing the motion, I was simply overwhelmed by the number of women who reached out to me, willing to share their stories and wishing that there was a physical milk bank here in Canberra.

This support is unrelenting. A number of weeks ago Canberra's Robert Gascoigne started an online petition calling on the ACT government to establish a milk bank, reiterating the calls from last year, because, like so many others, Rob's family knows just how precious breastmilk donations can be. Shortly before welcoming their newborn child in July, Rob's wife, Tamsin, was diagnosed with Hodgkin's lymphoma. While the family has been overwhelmed by the generosity of Canberrans, having received individual donations of breastmilk from right across the ACT, a central milk bank would have made a real difference. As Rob told the media recently, he hopes this petition will emphasise the real demand for a milk bank in the ACT. I am pleased to say it already is. Within a week the petition had reached 1,300 signatures; within two, 1,700; and today it is close to 2,000—1,986, to be exact.

It is clear that the community understands the benefits of a milk bank for both recipients and donors. I am pleased to report back to the Assembly with an update from the Minister for Health that the investigation into the feasibility of a milk bank is now underway in two stages.

As part of the first stage, the Health Directorate will meet with key stakeholders to develop a greater understanding of community expectations, determine what resources exist or are needed to set up a milk bank, and canvass the practical and ethical considerations of establishing one. The second stage will see an internal working group formed to examine and analyse the results from stage 1 and make recommendations to the minister. I am pleased to say that, anecdotally, I have already heard from stakeholders that stage 1 has started. The feasibility study will also be informed by work already being done at a federal level to examine how human milk and human milk products are regulated across jurisdictions.

I was pleased to learn that the outcome of the feasibility study should be known before the end of this year. If establishing a milk bank is deemed feasible, the Health Directorate will undertake a broader public consultation. I welcome further updates from the minister and, along with parents across the ACT and carers across the ACT, look forward to the next stage of the process. I am pleased to provide this update today.

Question resolved in the affirmative.

**The Assembly adjourned at 6.10 pm.**