



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

**DAILY HANSARD**

Edited proof transcript

17 September 2019

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## **Tuesday, 17 September 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:

#### **Planning—Parkwood—petition 16-19**

By **Mr Barr**, Chief Minister, dated 28 August 2019, in response to a petition lodged by Ms Le Couteur on 4 June 2019 concerning urban development at Parkwood, New South Wales.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 5 June 2019 regarding petition number 16-19 lodged by Ms Caroline Le Couteur MLA about urban development at Parkwood NSW on behalf of 664 residents of the Australian Capital Territory.

The Parkwood Planning Proposal to rezone the NSW portion of the Ginninderry development for urban settlement and environmental conservation is currently being considered by the NSW Department of Planning and Environment. The ACT Government supports the proposal to rezone land at Parkwood for urban settlement, recognising this as an essential step to progress the Ginninderry development.

Notwithstanding the outcomes of the NSW planning decision, the ACT Government has been working with NSW to progress planning of the delivery of services to Parkwood. This includes two Cross-Border Forums in the past two years, which have brought together ACT and NSW representatives to discuss the best approach to cross-border service delivery. The forums have led to detailed services and infrastructure planning, with work continuing between jurisdictions to determine appropriate methods of delivering services for the future community of Ginninderry.

Movement of the ACT-NSW border in West Belconnen remains a priority for the Government and is specifically referenced under section 5.4 of the current ACT Labor Party and ACT Greens Parliamentary Agreement for the 9th Legislative Assembly. Movement of the border would result in the entire Ginninderry development, including the Parkwood area in NSW, coming under the ACT's service delivery jurisdiction. This would be the simplest solution to eliminate many of the cross-border complexities regarding service delivery.

With respect to concerns regarding the environmental impacts of the Parkwood development, the Commonwealth Department of Environment and Energy

undertook a strategic assessment of proposed urban development at Ginninderry, including the Parkwood area (referred to as West Belconnen) under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act). The strategic assessment examined impacts from the proposal on matters of national environmental significance and included assessment of planned conservation areas for the protection of biodiversity and maintenance of urban amenity. On 1 September 2017, the Commonwealth Minister for the Environment and Energy granted approval for urban development and biodiversity conservation at West Belconnen. The program report of the strategic assessment is available at the Department of Environment website.

The ACT Government recognises the significance of our unique natural environment and the importance of protecting the Aboriginal heritage of the land, on which we strive to promote biodiversity rich, resilient landscapes, where well-functioning ecosystems can meet the needs of people and the environment. The ACT Planning Strategy (2018) supports the directions of the NSW South East and Tablelands Regional Plan 2036, which identifies the need for urban planning that is sustainable and resilient, in terms of protecting biodiversity, enhancing habitat connectivity and reducing our vulnerability to natural hazard events.

Biodiversity conservation, Aboriginal heritage and natural hazards are important issues and are being appropriately considered as a part of the Ginninderry development process, reflecting the direction set out in key ACT and NSW Strategic Planning documents.

In October 2018, the ACT Government agreed to the establishment of the Ginninderry Conservation Trust to have responsibility for the environmental and conservation management of the 596 hectares of conservation corridor to be dedicated as part of the cross border urban development (360 ha in the ACT and 236 ha in NSW). Establishing the conservation corridor and the Trust are requirements of the strategic assessment under the EPBC Act approval for the urban development. The cross-border Trust aims to achieve seamless conservation outcomes with the ACT government directly funding conservation activities in the ACT and the NSW portion funded from NSW derived revenue sources.

The Trust is an example of collaboration in planning and conservation to safeguard those natural assets that support Canberra as a city in the landscape - the influence of which will extend across the border into the Parkwood stages of the development. The Ginninderry Conservation Corridor will be progressively put in place as stages of the urban development progress, with the entire corridor in place by 2042-55. The Trust will be Governed by a Board of Directors comprised of government and community representatives, with positions reserved for Indigenous representatives nominated from an existing advisory group, the Ginninderry Aboriginal Advisory Group (GAAG). The group established itself to advise the Trust; provide input to cultural values management in the conservation corridor for the life of the Ginninderry development; advise Indigenous stakeholders and the broader Indigenous community on the progress of GAAG activities; and respond, when appropriate, to project-wide issues raised by the Joint Venture and the wider community. Group members are the eight cultural Knowledge Holders (or their representatives) as nominated by Indigenous community stakeholders during the cultural heritage assessment of the Conservation Corridor.

If Parkwood becomes part of the ACT as a result of the movement of the ACT-NSW border, risks such as bushfire will be appropriately considered by the ACT Government in the planning of the development. The adequacy of bushfire studies and of mitigation or control measures proposed by the developer will be assessed as part of the normal course of development applications received by the ACT Government.

An assessment by either the ACT or NSW Government of development at Parkwood, including environmental and Aboriginal heritage impacts, has not yet occurred, noting this assessment would be undertaken once development approval is sought.

Thank you for writing to me on this issue. I trust this information is of use.

### **Planning—Phillip—petitions 25-18 and 15-19**

By **Mr Gentleman**, Minister for Planning and Land Management, dated 30 August 2019, in response to petitions lodged by Ms Le Couteur on 4 June 2019 concerning Woden Town Centre master plan variations.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 4 June 2019 about petitions 25-18 and 15-19 lodged by Ms Le Couteur.

The Woden Town Centre Master Plan (the Master Plan) was completed in November 2015 with the planning changes implemented through variation to the Territory Plan No 344 (V344), which commenced on 31 August 2018.

The draft variation to the Territory Plan (DV344) was also the subject of a five month inquiry undertaken by the Standing Committee on Planning and Urban Renewal between 27 July 2017 and 11 December 2017. The outcome of the inquiry resulted in the Standing Committee providing 31 recommendations, including that the variation be approved.

A key finding on the Master Plan found that the population of the Woden Valley is much lower than in comparable town centres, leading to a lower level of demand for retail commercial uses, services and facilities. The Master Plan and associated Territory Plan variation are addressing this, in part, through encouraging redevelopment in the town centre with a particular focus on promoting residential development. As more people live in the town centre, the level of demand will increase for retail, employment, services and community facilities. This will also assist in creating a town centre that attracts people to live, work and socialise throughout the day and into the evening.

The Master Plan and subsequent variation to the Territory Plan provides the necessary planning and design guidance to promote a scale of development that is appropriate within the town centre context, while maintaining amenity along the town centre streets and public spaces.

In regards to the sites identified as N12 (Block 13 Section 81 Phillip) and N10 (Block 17 Section 156 Phillip), the Territory Plan provides site specific planning controls to limit the size of the building floor plate, limit overshadowing of adjacent residential development and public spaces and to retain important community assets such as the existing active travel path that runs adjacent to Section 81 Phillip. These site-specific requirements are in addition to other planning and design provisions introduced as part of DV344, including that a visual assessment be undertaken and that taller building elements are setback from the front block boundary above a podium level.

In regard to Arabanoo Park, the feedback from the Master Plan community engagement activities found that few people used the park and that it does not have direct pedestrian access to the town centre. Community feedback also identified that people did not feel safe in Arabanoo Park and there is no opportunity for surveillance of the park from the more active areas of the town centre, such as the bus interchange.

To address this issue and the need for more accessible community facilities in the town centre, the Master Plan recommended that the park be ‘flanked’ by community facilities along the northern and southern boundaries of the park. This zoning was recommended to encourage greater use of the park, improve safety and to provide for future community facilities in a highly accessible location close to short term parking on Easty Street, public transport (including a potential future light rail station on Callam Street) and a main cycle path parallel to Yarralumla Creek. This proposal was broadly supported through the community engagement process on the draft Master Plan.

The Standing Committee on Planning and Urban Renewal recommended that if the part rezoning of Arabanoo Park proceeds, then certain uses should be prohibited, including residential, religious and health related uses. This recommendation was implemented through amendments to DV344 prior to approval, with a range of uses prohibited, including:

- business agency
- educational establishment
- emergency services facility
- office
- place of worship
- public agency
- residential care accommodation
- retirement village
- supportive housing

The master planning and Territory planning process has been a very comprehensive multi-year endeavour, with extensive ongoing consultation with the community, traders and other key stakeholders. Both the Master Plan and Territory Plan variation have been rigorously discussed and reviewed by the community, ACT Government directorates, the Legislative Assembly and the Standing Committee on Planning and Urban Renewal.

The outcomes of the master plan and variation provide a reasonable outcome that protects those things that are valued by the community, while ensuring that the town centre can attract people to create a more diverse, active and economically viable commercial centre into the future.

I trust this information is of assistance.

## **Canberra Hospital—hydrotherapy pool—petitions 10-19 and 18-19**

By **Ms Stephen-Smith**, Minister for Health, dated 4 September 2019, in response to petitions lodged by Mrs Jones on 6 June 2019 concerning hydrotherapy services at Canberra Hospital.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 6 June 2019 regarding petitions numbered 10-19 and 18-19, lodged by Mrs Giulia Jones MLA to "...keep the hydrotherapy pool at the Canberra Hospital open and maintained until a new dedicated hydrotherapy pool is built on the south side of Canberra". In response to the petition, I offer the following information.

On 7 August 2019, I met with Arthritis ACT and representatives from the ACT Health Directorate and Canberra Health Services about hydrotherapy services. At the meeting, the report *Access to Hydrotherapy in the ACT* undertaken by Nous Group (external consultants) was presented. I also raised this matter in the Assembly on 13 August.

The ACT Health Directorate engaged Nous Group to undertake an assessment of access to hydrotherapy in the ACT and report on their findings. The ACT Health Directorate is addressing the four recommendations outlined within the report, and a copy of the report was released publicly at the 7 August 2019 meeting.

The proposed closure of the Canberra Hospital pool in 2018 was based on several factors including:

- the relocation of all public rehabilitation health services to UCH;
- the plant and equipment supporting the pool being located underneath the pool area in a confined space that has a single egress point. This presents sub-optimal maintenance access compared with contemporary pool plant room designs, and presents an unacceptable staff safety risk in the event of emergency, such as a fire or pool chemical spill; and
- the infrastructure supporting the pool, particularly the electrical, and the heating, ventilation and air conditioning (HVAC) plant, is aged and without spare part backup in the event of likely failure of the equipment.

There is a commitment from the ACT Government to keep the Canberra Hospital hydrotherapy pool open until access at other suitable locations could be found. Canberra Health Services extended the hydrotherapy pool user agreement with Arthritis ACT until the end of September 2019.

This has ensured continuity of access for the pool users while the Nous work was underway, and until a way forward could be identified. The ACT Government intends to go to the market and explore innovative options for potential hydrotherapy pools into the future.

The ACT Health Directorate will continue to work with Arthritis ACT to review existing pool options available in the community to manage the needs of users in

the short-term; and undertake assessments with current users of the pool to inform consideration of longer-term hydrotherapy service arrangements in the south of Canberra.

This work will take place as a priority over the next few months. Once complete, the ACT Government will announce the timeframes for the pool closure and the next steps in ensuring long term access to hydrotherapy services for the ACT community. We will ensure that the process going forward engages pool users proactively and constructively, based on a shared understanding of the issues and with a primary focus on their needs.

Thank you for the opportunity to raise this matter.

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

**MADAM SPEAKER:** Pursuant to standing order 98A, I propose the question:

That the petitions so lodged be noted

Question resolved in the affirmative.

### **Nomination of Assistant Speaker Statement by Speaker**

**MADAM SPEAKER:** Pursuant to the provisions of standing order 8, I table the following paper revoking the nomination of Ms Orr and nominating Mr Pettersson as Assistant Speaker:

Assistant Speaker—Warrant of revocation and nomination, dated 9 September 2019.

### **Fuel Pricing—Select Committee Report**

**MS CHEYNE** (Ginninderra) (10.03): I present the following report:

Fuel Pricing—Select Committee—Report—*Report on Inquiry into ACT Fuel Pricing*, dated 17 September 2019, together with a copy of the relevant minutes of proceedings.

I move:

That the report be noted.

Madam Speaker, I am very pleased to be able to present to the Assembly the committee's final report into fuel prices in the ACT. As you are aware, the committee was established in February. This had followed what for Canberrans was a particularly long summer of paying higher fuel prices, especially when compared to the prices we were paying in some of our popular holiday destinations in other cities and towns.

The committee was tasked with inquiring into and reporting on: fuel price methodology and key determinants; characteristics of the ACT fuel market, including historical changes; the impact of fuel prices on the ACT community; reasons for significant pricing discrepancies within the ACT and when compared to other Australian communities and capital cities; consideration of best practice approaches and initiatives in other jurisdictions which have a meaningful impact on reducing fuel prices; and regulatory and legislative solutions and barriers, particularly around competition and retail margins.

I have to remark, and I think I can speak for my colleagues on this committee, that this is one of the most interesting and challenging inquiries that I have been on. Indeed, the inquiry presented a number of challenges for us as a committee. This included competing vested interests and motivations, contradictory evidence and some witnesses who were reluctant or difficult to engage.

It almost became a running theme in the committee that, just when we thought we had exhausted all opinions or information about the fuel market in Australia and the ACT and how it is operating, someone would reveal something new to us. This occurred right until the final weeks.

I want to assure members and the community that the committee has taken significant care in navigating and discerning the different motivations of submitters and witnesses while remaining focused on our aim of understanding the ACT fuel market and proposing meaningful solutions.

I want to thank the ACT community for engaging so meaningfully with the inquiry, and thank the hundreds of people who took the time to fill in our survey and reflect on what impact higher fuel prices have on them, ranging from being simply unfair and an annoyance to extremes of forcing consumers to forgo other goods so that they have fuel in the car. On that note, I will single out Rowena Carpenter, who ended up being the voice of the ACT consumer by not only submitting to us but presenting before the inquiry and explaining the impact on her family, which owns a transport business.

The committee has learned an awful lot about how fuel prices are determined and has been given a great deal of information about the characteristics of the ACT fuel market, some of which we have regarded sceptically. In essence, the ACT has very little control over fuel prices in this market. Fuel prices largely depend on factors which are outside the ACT government's control—namely, the price of crude oil and macro-economic conditions such as currency exchange rates, production volumes and seasonal demand, many of which are largely outside even the Australian government's control.

Members may be aware of the drone strikes on Saudi Arabia's oil infrastructure last weekend, which have already shown signs of affecting other markets, like the US, and may indeed have a global ripple effect. The wholesale price, or the price that companies are paying for fuel at a fuels terminal, typically accounts for 85 to 90 per cent of the retail price that we are paying at the bowser.

In our learnings we busted some myths about the fuel market in Canberra. There is no ACT government fuel tax and, unlike Sydney, Melbourne or even Perth, Canberra simply does not have a price cycle. There is no better time, day or week to fuel up in the ACT. Nor do we have a lot of intra-day trading, where fuel prices change at a service station within a day. In fact, fuel prices only change in the ACT once every four or so days. We do have a lack of independents in the ACT, and we do have a visibility problem, where you basically cannot see the price you are paying for fuel until you are pulling up at the bowser.

Industry told us time and again that transport costs contribute a lot to the price we pay in the ACT. Again, I think I can speak on behalf of the committee in saying that we continue to remain sceptical about this being a main contributor, given that prices in other regional cities, including those very close to Canberra, are often much lower than ours.

We also heard that it can be more expensive to set up and do business here. Again, this is something that we think requires more investigation. We know that different sites attract different values and rates, yet fuel prices from the one company paying these different rates and costs can be remarkably similar between sites.

That brings me to the recommendations. As members are aware, once we had received a significant amount of evidence and had all sorts of solutions proposed to us, we tabled an interim report, in late May this year. The report proposed nine possible approaches we were considering recommending, from doing nothing to some quite extreme market interventions. We gave the community, business, government and industry time to assess and respond to those possible approaches. Essentially, we were testing them with the community while we continued to collect evidence.

On the basis of all of the evidence we have received, the committee have decided to reject four of the possible approaches we were considering and recommend five of them. Each decision was agreed unanimously by the committee.

Before I go into the detail, I want to stress that we have been mindful throughout this inquiry that at no point did we want to risk recommending a measure which may potentially result in higher fuel prices for ACT consumers. A number of suggested options put to us carried the risk of higher fuel prices for Canberrans, and the committee has remained concerned throughout the inquiry about the difficulty in forecasting the impact of different options. For this reason we have been deliberately cautious in our approach, and make no apologies for it.

We believe that the agreed recommendations, when implemented and employed together, provide the best likelihood of influencing fuel prices in the ACT in a way which has the best chance of resulting in a fairer outcome for ACT consumers, without risking the ACT consumer having to pay more for fuel. Overall, the theme of the committee's recommendations is one of creating both greater competition and transparency, with a view to arming consumers with better choice and information in making fuel purchasing decisions.

As I mentioned before, it is evident to the committee that the way fuel prices are determined is largely outside the ACT government's control. However, where the committee believes the ACT government can review its approach or make changes without risking a poorer result for consumers, we have recommended this.

The recommendations that the committee has rejected are, first, to do nothing. While a number of industry submitters encouraged us to go down this path, we rejected this because we found the arguments unconvincing.

The second we have rejected is introducing a mandatory reporting mechanism where service stations are required to lock in the prices of fuel for 24 hours, like the model observed in Western Australia. We were initially sceptical of this; then, as a committee, we were briefly persuaded by this model's measures. Ultimately, we have rejected it.

One of the reasons for a 24-hour price lock is that it takes away the uncertainty for a consumer. The price at 7 am is the same price that you would pay at 2 pm. But this uncertainty exists where intra-day trading is common. As I mentioned earlier, it is uncommon in the ACT. There is also no guarantee that locking in prices would see lower fuel prices in the ACT; instead they may end up higher, and there is some evidence in Perth to suggest this.

We have also rejected setting a maximum retail margin for fuel companies. Again, this would be an extreme intervention in a market and would likely distort it. One of the most compelling reasons for the committee rejecting this proposal is that many companies are also wholesalers, so they could simply jack up the price at the terminal gate, resulting in no discernible change for the consumer.

Finally, we have rejected providing fuel subsidies for low income households. Again, we were minded that this would only benefit some, not all, that it would be difficult to administer and that it would very likely have a distorting effect on the market.

I turn to the recommendations that we have proceeded with. The first is for the ACT government to continue to educate on fuel prices and determinants in the ACT, and to enhance how it educates Canberrans. As noted earlier, there are a number of persistent myths about how the fuel market works, and how it works particularly in Canberra. The better informed consumers are about how prices come about, the more power goes to them.

We have also recommended that a fuel prices oversight body or position be established and have suggested that this be a standing committee within the Assembly. As noted throughout the inquiry, turning an eye to the market and having it consistently appearing in the media appears to have had some meaningful impact on lowering fuel prices. This standing committee could regularly analyse and report on the function and performance of the market, including price movements and comparisons with like markets.

The committee could also have responsibility for oversight and reporting of any price monitoring system introduced in the ACT. That, of course, brings me to the next

recommendation, which is introducing a real-time mandatory price monitoring scheme, akin to what is in New South Wales with their FuelCheck model.

While we currently have a number of privately operated apps like MotorMouth, Gas Buddy and Petrol Spy, not one of these accurately captures the market, or indeed all of the ACT market. Having a system which is trusted and comprehensive would enhance the transparency of prices and consumers' confidence in them, enabling consumers to more easily shop around and take advantage of cheaper fuel.

The NRMA, which runs the New South Wales scheme, has stressed that extending the existing scheme to the ACT would be easy to do. We expect it to be at low cost to government and industry, given that the vast majority of the ACT fuel service station industry already participates in this scheme in New South Wales.

We have also recommended that the ACT government be proactive in approaching independent operators directly when considering the addition of new service stations in the ACT and consider setting aside highly visible land for independent service stations and investigating whether concessions for independents would be worthwhile. In recommending that the government consider setting aside highly visible land, we urge the ACT government to proceed with caution and have the utmost consideration for community values and expectations.

Finally, we have recommended that the ACT government review the level of rates, taxes and charges on service station operators in the ACT. The committee heard claims from industry that it can be expensive to do business in the ACT. We believe that a comparison of costs, taxes and rates that service stations are paying within the ACT and outside it needs to be completed to determine the accuracy of these claims and whether any changes to policy settings need to be made.

Importantly, the committee believes that any comparison should be done of like sites—that is, sites with similar visibility, market catchment and drive-by traffic. We have asked the government to report back to the Assembly on this by early next year.

I need to stress that there are only so many regulatory settings and policy approaches that we can recommend and have the government take up. We believe that in creating both greater competition and transparency we will be arming consumers with better choice and information in making fuel purchasing decisions. But consumers must take the next step and make behavioural changes. It is the implementation of our recommendations combined with consumers taking the next step that we believe results in the greatest opportunity, and the greatest chance, of ACT consumers ultimately paying fairer fuel prices.

In closing, I want to extend my thanks to the committee secretary, Andrew Snedden, who, in addition to his usual duties as a secretary, had a bloody tough job in trying to wrangle many of our witnesses to appear, but he was consistently dogged in his attempts. I thank those witnesses and submitters who contributed to this inquiry, including some who did so multiple times or had a number of ongoing queries from us. I also thank all those who we visited in Melbourne and Perth and who spoke very candidly with us. It was extremely helpful and contributed a great deal to our thinking.

My sincere thanks go to my colleagues on this committee, Mr Parton and Mr Wall. It was a very collegiate committee; we worked together, I think, very productively as we tossed quite complex themes and ideas back and forth.

Finally, my thanks go to the ACT community for their engagement with this inquiry, and the media for its attention to such an important issue. Having so many people involved and engaged throughout has meant we have considered the widest amount of evidence available to us. I believe it has helped us to produce a comprehensive and considered report. I commend the report to the Assembly.

**MR PARTON** (Brindabella) (10.18): What a journey this particular inquiry has been. I note that, as I stand today, petrol is cheaper in Canberra than it is in Sydney, by about 12c, which must mean that we have done our job. Of course, it does not mean that we have done our job. Earlier Ms Cheyne described the lack of price cycles here in the ACT, but we do not hear anyone complaining when we are on the good side of it.

This has been one of the most intriguing, engaging, enjoyable and worthwhile committee inquiries that I have participated in. Thanks to Andrew Snedden for looking after us and to all those who provided the most important evidence that fed this process.

I want to thank my colleagues from both sides of the chamber, Ms Cheyne and Mr Wall, for the way that they have gone about their business. There have been a number of occasions during this process whereby individual members of this committee—I daresay all three of us—have been forced to step away from positions that have long been held by our respective parties. There has been an amazing deal of bipartisanship and common sense displayed. Madam Speaker, I wish that our parliament were able to function with the same spirit that has been displayed in this committee. In essence, there is no real reason why it cannot.

In a very short period of time we have managed to turn over many stones in search of the elusive solution to the perceived distortion of the petrol market here in the ACT. As Ms Cheyne alluded to, along the way we stumbled on things that at first looked like solutions only to find upon further examination that they were unlikely to deliver the required result. We discovered that the solutions to the perceived distortion of the market were much more complex than most people realise. We were all forced to consider many things outside the box.

I am extremely supportive of the process that we went through in releasing an interim report with a number of possible recommendations. I hope that the recommendations that this committee has made will be actioned by this government. I hope, too, that if they are, the community steps up to the plate and understands that consumers play a major role. Discerning consumers must play a major role if they are genuinely interested in getting a better deal.

**MR WALL** (Brindabella) (10.21): I would like to start, as my committee colleagues did, by thanking Andrew Snedden, the secretary of the committee, and acknowledging

the collegiate nature in which this inquiry was undertaken. When it comes to petrol prices, I do not think there is a person in this city that thinks that we are getting a good deal. That was clear from both the attitude that members brought to the inquiry and the public submissions that were received.

There was good engagement with the community on this inquiry, where an easy to use survey platform was promoted and used extensively to garner as many views of ACT residents as possible. Often that is a shortcoming of committee inquiries: we only hear from those that are actively engaged on a matter or have a real bee in their bonnet over the issue. It was good to get the views of a broad cross-section of the community, from all areas of town and all walks of life, on the impact that petrol prices have on their day-to-day and household budgets.

Petrol purchases are a grudge purchase. No-one goes to the petrol station to fill up with excitement, looking forward to where that tank of petrol might take them. People do not like spending the money. A bigger frustration, as we saw at the beginning of this year, is the price fluctuations that often occur, not necessarily in the ACT market but in our surrounding markets. When Sydney is at the low end of the price cycle, Canberrans who are travelling are well aware of it. That is when the pain becomes the most apparent. If bread and milk, or all general grocery items, fluctuated to the same extent that petrol prices do, there would be far more inquiries into those prices as well.

What we have learnt, as has been touched on, is that the pricing of fuel in Canberra is extremely stable. There are times when it rises, in line with international markets, very quickly. And, to people's frustration—it is still an issue that the committee has not fully been able to appreciate—it is very slow to react in a downward direction and pass those savings back to consumers. It is largely going to be drawn, though, by consumer habits. Most people are creatures of habit. They tend to fill up at the same service station, typically on the same day of the week. Pay days are a popular time. We do not go shopping around for the cheapest fuel. The best way for Canberrans to influence the petrol market is to shop around and be shrewd purchasers.

Through the inquiry we heard from a number of people who do just that. They look at some of the apps and websites that are available to find the best prices around town and they travel in search of them. But for most Canberrans that is not the case. So a number of the recommendations, particularly those in this report that have been adopted, have gone to promoting information in a real-time manner so that Canberrans can make informed purchasing decisions when it comes time to fill up their cars.

The committee heard an extensive amount of evidence from the other side, about the cost of doing business in the ACT. It was little surprise to Mr Parton and me, as members of the opposition, that the costs of doing business in the ACT are far more than they would be across the border. We heard from a number of service stations that were making comparisons that the underlying cost of doing business in the ACT can often have a tenfold multiplier, simply because they are based in the ACT, for things such as land rates.

We also heard that there is a significant disparity in what one petrol station site is being rated at, compared to another in town with similar traffic volumes. Let me give a small example. A service station with reasonable exposure in, say, the Belconnen area, with an underlying land valuation of around the million-dollar mark, is paying about \$64,000 a year in rates. A site with a similar traffic flow in Fyshwick, which has an underlying value of \$2 million, is paying almost double that in rates. The costs that then need to be passed onto consumers are significant. Couple that with high workers compensation premiums and the highest payroll tax thresholds in the country—as far as the percentile rate goes that these companies are paying because they are national companies—and costs mount up and ultimately get passed on to the consumer.

Recommendation 5 calls on the government to do some comparative analysis of the costs of doing business in the ACT compared to other jurisdictions. It particularly asks that it look at sites that have the potential to service a similar market volume and similar drive-by traffic volumes. Essentially it is an opportunity to compare apples with apples when it comes to the underlying costs of doing business.

I commend the recommendations in this report to the Assembly. I look forward to hearing the government's response. It is a measured and well-considered report. The recommendations are very careful—I would call them conservative—in the calls that we are making to make sure that, to the best of our ability, they will place a downward pressure on petrol prices in the ACT without risking the countermove which might add additional cost pressures to ACT households when they can least afford it.

There were not the outrageous interventionist calls that we heard about from the Chief Minister to put a retail margin cap on petrol prices. That kind of interference is unfounded, unwarranted and simply reckless, particularly coming from the Treasurer of the ACT. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 34**

**MRS JONES** (Murrumbidgee) (10.26): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 34, dated 10 September 2019, together with a copy of the extracts of the relevant minutes of proceedings, and a revised copy of the extracts of the minutes of meeting No 39.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report 34 contains the committee's comments on nine bills, three proposed government amendments, 16 pieces of subordinate legislation, three regulatory impact statements and seven government responses. I am also tabling

revised extracts of minutes for meeting No 39, due to inaccurate data being produced during the changeover of document production systems in the chamber support office. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

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

### **Statement by chair**

**MR PETTERSSON** (Yerrabi) (10.27): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Employment and Youth Affairs of the Ninth Assembly relating to statutory appointments in accordance with continuing resolution 5A. I wish to inform the Assembly that during the applicable reporting period—1 January 2019 to 30 June 2019—the standing committee considered a total of nine appointments and reappointments to the following bodies: long service leave governing board; board of the ACT Teacher Quality Institute; Canberra Institute of Technology board; the Children and Young People Death Review Committee; and the University of Canberra council.

I present the following paper:

Standing Committee on Education, Employment and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2019.

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

### **Statement by chair**

**MS LE COUTEUR** (Murrumbidgee) (10.28): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and Urban Renewal relating to statutory appointments in accordance with continuing resolution 5A. I wish to inform the Assembly that during the period 1 January 2019 to 30 June 2019 the standing committee considered seven statutory appointments.

I present the following paper:

Standing Committee on Planning and Urban Renewal—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2019.

## **Ministerial priorities 2019**

### **Ministerial statement**

**MS ORR** (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (10.29): I am pleased to present the priorities from across my portfolio responsibilities of disability, community services and facilities, employment and workplace safety, and government services and procurement. Across these diverse areas there is the recurring theme of government

working to ensure that Canberrans have the best options and opportunities to be fully active members of our community.

I am honoured to stand here as minister and serve the fantastic and diverse community that is Canberra. I acknowledge the significant contribution made by my predecessors, Minister Rachel Stephen-Smith and Minister Chris Steel. There are projects that I will mention today for which they can claim great credit. As a proud member of this government and as Minister for Disability, I am committed to ensuring the inclusion of all, which is at the heart of ensuring good outcomes for people with disability.

The ACT government has shown its commitment to people with disability by providing significant investments of over \$700 million in delivering the full scheme implementation of the NDIS and investing in the promise of an ordinary life for people with disability. We are proud of our continuing productive relationship with the NDIA at both the local and national levels.

I look forward to continuing to work with my predecessor in providing a strong voice for the ACT at the national level on this important reform and I will continue to represent the views of this government, and indeed this Assembly, in opposing any changes to the legislation that preclude such rights, including advocating for ensuring that the right to an ordinary life includes the right to sex and the associated benefits that this brings.

In August we released the disability justice strategy to address the disadvantage experienced by people with disability in having equal access to and treatment before the law. The disability justice strategy is part of the ACT government's vision for an inclusive society that gives everyone the chance to participate in community life and leaves no-one behind. This government has invested \$4.8 million in the implementation of this strategy and its first action plan. The action plan will deliver a series of practical commitments and real actions by government agencies and the civil and criminal justice systems.

The working with vulnerable people scheme is an important part of the suite of protections the ACT has in place for vulnerable people. In 2019 we have been working to ensure that our scheme can deliver on the commitment for nationally harmonised disability worker screening as part of the NDIS from next year.

While we work towards consistency with other jurisdictions, we are making the process simpler for people seeking registration and to ensure that we have the best measures in place to continue to protect children and vulnerable people from harm. In 2019-20 the office of the senior practitioner will be working to implement the full range of functions under the Senior Practitioner Act, including facilitating the reporting of the use of restrictive practices in emergency situations and establishing a platform for data collection and reporting.

Yesterday was the first meeting of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. I look forward to leading the ACT government's contribution. The commission will provide a much-needed platform for some of the most vulnerable members of our community and facilitate

transformational change in the disability services sector across Australia. The royal commission will inform governments, institutions and the wider community on how to better protect people with disability from violence, abuse, neglect and exploitation in the future.

We know that our community sector is strongly supported by volunteers. In my role as Minister for Community Services and Facilities, I look forward to supporting our everyday heroes to continue their work in fostering participation, providing meaningful experiences, promoting the value of sharing information and enhancing community connectedness.

I am pleased to be taking a leading role in delivering the ACT carers strategy 2018-28. I look forward to working with Canberra's carer community to deliver the first action plan and, through this, to support and recognise the work of carers and the difference they make in our community. This work addresses this government's commitment to genuine engagement with members of our community to shape and develop solutions that actually work for them.

I am also in a privileged position to work with our community partners, who, with the assistance of funding from the ACT government, achieve effective, inclusive and positive social outcomes for our community. The community services sector faces an unprecedented period of change, including new service delivery modes and business models and a stronger focus on achieving social and economic outcomes. It is doing this while managing increasing costs and complexities. To achieve systematic change, we need to foster inclusive and supportive communities through productive partnerships and sustainable relationships, and working alongside community partners to do this will be a highlight of my portfolio responsibilities.

I am also pleased to continue the highly innovative agenda of developing a new commissioning strategy for the community services sector in the ACT, which has a working title of "Strengthening partnerships—commissioning for social impact". I look forward to working with the community to collaboratively develop the strategy. This new approach has the potential to build stronger partnerships and increase our understanding of the needs of people and should allow us to better evaluate our service system and what it is achieving. Most importantly, this work will ensure that our investment is focused on improved outcomes and wellbeing for people in the ACT.

Also under my community services and facilities responsibilities sit initiatives of the ACT Property Group. As members may know, Property Group manages ACT government-owned properties. The ACT government is investing almost \$5 million across 17 community facilities through the 2019-20 better infrastructure fund initiatives for ACT property upgrades. These proposed works include lift refurbishments and upgrades at Belconnen community centre, new roofing for Pearce community centre buildings, a new men's shed at the Hughes community centre and refurbishing the wet areas at the Spence Children's Cottage.

As Minister for Employment and Workplace Safety, I take this opportunity to express to the Assembly my commitment to ensuring that there is a very strong focus on work health and safety in Canberra workplaces. As members of the Assembly would know,

the government commissioned an independent review of the ACT's work safety compliance infrastructure, policies and procedures. That was tabled in the Assembly in October 2018. At that time the government gave in-principle support for all recommendations.

I am pleased to say that there has been substantial progress in implementing these recommendations. Legislation was introduced last month that will implement a key recommendation of the review by establishing an independent, single accountability governance model for WorkSafe. I look forward to debating this bill in the Assembly. In the meantime, WorkSafe continues to perform its functions. WorkSafe's operational focus for this financial year includes an evidence-based compliance regime for industry areas such as construction, retail, healthcare services and accommodation and food services. It will also focus on the prevention and mitigation of work-related psychological risks that may lead to poor mental health.

With one in five Australian adults experiencing a mental health condition in any given year, this work will be an essential part of creating mentally healthy, safe and productive workplaces across the ACT. As the minister responsible for the health and safety of working people, I will be applying a particular focus to how we can continue to improve the mental health and wellbeing of Canberrans across every industry.

The asbestos response task force has made significant progress to realise the ACT government's goal of eradicating loose-fill asbestos insulation from ACT residences. As at 31 August 2019, 967 properties had been purchased, at a total cost of \$693.1 million; 980 properties had been demolished, either by the government or privately; 858 blocks had been sold, for a total value of \$564.2 million; and 1,098 relocation assistance grants had been paid, to a value of \$12.3 million. The task force will continue to meet with home owners and assist them through case management and targeted communication as well as working on the renewal of affected neighbourhoods.

In the area of employment, the government remains committed to maintaining the size of the ACT public service, reaching pay outcomes which maintain real wages, and to a consultative and inclusive approach to industrial relations. The government will continue to negotiate in good faith to finalise remaining enterprise agreements, and the government has recognised the significant disadvantage to workers of long-term insecure work. A task force has been established to methodically work through ACT public service employment to identify and assess roles currently in insecure work, for consideration for conversion to permanency. Early areas of focus for the task force include school cleaners, Access Canberra and graduate nursing and midwifery.

It is not just the public sector where we need to see things change. In the coming months I will be considering the development of a labour hire licensing scheme that would improve responsible practice in the industry in the ACT.

I must also mention the major work going on next door, as the government accommodation projects team continues to deliver the new ACT government office buildings in Civic, as well as in Dickson. These changes aim to enhance the ACT public service workforce capability, while ensuring that the workforce continues to

provide a high level of service to our community into the future. The ACT government has allocated funding in the 2019-20 budget for an Aboriginal and Torres Strait Islander cultural project associated with the new office buildings, and consultation is being undertaken with traditional custodians on this project.

As Minister for Government Services and Procurement, I have carriage of a range of activities that impact across Canberra, both with the public and within government agencies. These things may not be the shiny, popular topics we talk about when hanging out with our friends, but they are the things that keep our government ticking over. Procurement ACT is responsible for providing advice and support to implement the Government Procurement Act 2001 and the Government Procurement Regulation 2007.

An important initiative of this government has been the secure local jobs code, which has changed the way the government awards contracts by supporting businesses that do the right thing by their workers. We are now expanding the secure local jobs code so that from 7 November this year businesses that want to provide services worth more than \$200,000 to the ACT government will need a secure local jobs code certificate. The change will mostly apply to community and social service industries, and I will be working with ACTCOSS and other stakeholders to achieve a smooth implementation.

Throughout 2019-20 Procurement ACT will focus on further development and the announcement of procurement processes and practices to give effect to the securing local jobs package and embedding the Aboriginal and Torres Strait Islander procurement policy throughout the public service, which will encourage territory entities to identify and address barriers to Aboriginal and Torres Strait Islander enterprises in their procurement processes.

Finally, I wish to speak to the important roles that Shared Services and the ACT Insurance Authority play in our public service. Shared Services provides a range of ICT and corporate services for ACT government agencies, and it supports the important work of our public servants. The ACT Insurance Authority works to protect the assets and services of the territory by providing risk management support and insurance. In 2019 and 2020 each will keep working, together with the rest of the public service, to keep on delivering more and more innovative ways to serve this community.

I look forward to working with and for all Canberrans. Be they individual people with disability, their families, volunteers, working Canberrans, Canberra businesses, property and procurement services, service providers or the commonwealth, I will work with them to achieve our goal to provide the greatest opportunity for people living in our inclusive and vibrant city.

At the start of this statement I mentioned the recurring theme of the priorities of my portfolios. I am so proud to serve in a Labor government that continues to invest in our community to ensure that all Canberrans have opportunities to participate and be included. I present the following paper:

Ministerial priorities—Ministerial statement, 17 September 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Bimberi Youth Justice Centre Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (10.42): I rise to provide the Assembly with information about a major incident that occurred at Bimberi Youth Justice Centre on 26 August 2019. This incident has obviously been of some interest to the public, and I am pleased to be able to provide some further information today, in line with my ongoing commitment to a transparent and accountable youth justice system.

In providing this update I am conscious of the fact that ACT Policing and WorkSafe ACT investigations are ongoing and it is important that discussion in this place does not prejudge or prejudice the outcomes of these investigations. As always, I am also mindful of protecting the identity and interests of young people engaged in the youth justice system. I am also mindful that staff are best supported by a thorough review of incidents, thoughtful assessment of findings and timely implementation of recommendations.

Following the incident at Bimberi on 26 August, I announced that there would be an independent review into the circumstances of the incident to be conducted by Mr Peter Muir. Yesterday I received the interim report from Mr Muir. In this interim report, Mr Muir gives a preliminary review and provisional findings but does not provide recommendations. It is envisaged that Mr Muir will provide recommendations as part of his final report, which is due on 1 November 2019.

As Mr Muir puts it in his interim report, the 26 August 2019 incident was “at the more serious end of what you would expect to see in a youth justice centre”. On the evening of 26 August 2019, there were 15 young people in custody at Bimberi Youth Justice Centre. At the time of the incident there were 11 staff at the centre, including the operations manager and the centre director. Young people were going about the evening routine of finishing dinner, doing evening chores and undertaking recreation activities.

At approximately 6.20 pm, five young people from one unit sought to overpower the staff in their unit. This was an unprovoked and violent attack in an apparent attempt by some young people to access keys and escape the centre. As soon as the incident commenced, the control room operator instigated a code and all staff on site responded to gain control of the unit. The young people resisted being secured in their cabins. However, staff managed to secure all but one young person in this unit by approximately 6.30 pm.

During the incident, one young person gained access to keys, left the unit and made his way to another unit in the centre, where he released one other young person. These two young people then entered the facilities area of the centre. Staff continued to monitor these young people closely during this time. It was whilst these two young people were in the facilities area of the centre that a decision was made to seek assistance from ACT Policing.

ACT Policing were called at approximately 6.51 pm and arrived the centre at approximately 7 pm, with three officers entering the centre to negotiate with the two young people who were in the facilities area. These young people were then secured without further incident. Police considered the centre secure at 7.40 pm and the incident was concluded at 7.45 pm.

Madam Speaker, the assault on staff was significant. As has been previously reported, four staff attended the Canberra Hospital for treatment. A further three attended Calvary hospital for review. All staff left hospital that evening, with some having follow-up medical care. All the young people involved were visited by a GP on the night to ensure that they had a medical assessment, and no young people required hospital treatment.

Mr Muir's interim report includes provisional findings in respect of six out of the seven issues he has been asked to consider. Based on the evidence examined by Mr Muir to date, he does not find that there were any precursors which the centre management or staff should have responded to above the systems and actions that were already in place.

Further, Mr Muir has not found any significant failing in the systems of behaviour management over the young people involved in this incident. Mr Muir's provisional finding notes that "some systems observed could be more consistently applied, but this is not an issue of substantial concern".

Significantly, Mr Muir has found, and I think it is important to highlight this:

Staff responded to this event with a high degree of professionalism, courage and teamwork.

He states that there is no evidence available to him at this point in time that staff were inadequately trained to respond to the situation. Mr Muir notes that during the incident there was evidence of staff showing high degrees of care and restraint in their dealings with the young people involved. He goes on to note that, based on the evidence available to him at this time, he believes the staff responded to the emergency in accordance with the procedures and did so with professionalism. Mr Muir finds that the centre director exercised sound judgement on the night and her decisions in managing the incident were correct.

The interim report also notes several issues for further discussion and exploration, and some identified areas for improvement. These include the need for further discussion on the adequacy of therapeutic support available to the centre; consideration of

Bimberi's capacity to assess information and manage emerging risks; development of a strategy to ensure that all staff have refresher training on the use of force when it is due; the fact that there is currently no protocol with ACT Policing for situations where police assistance is required and a lack of operational preparedness for an event requiring police attendance; improvements to emergency planning, including scenario planning and drills; and improvements in the effectiveness of the work health and safety system at the centre, including improvements to the WHS risk register that better identify the controls in place over the behaviour of young people in custody, noting that these controls are currently better reflected in the operational risk register.

I would note that, in relation to a number of these issues, Mr Muir also finds that, based on the evidence he has reviewed, the areas for improvement or discussion did not necessarily adversely impact on the evening's events. Since the incident, considerable effort has occurred to continue the safe operations of the centre, support staff involved in the incident, facilitate the review and the two investigations underway, and keep key stakeholders informed.

This has included providing an individualised and tailored response to staff who were involved in the incident; providing health, psychological and practical assistance; providing Mr Muir with unfettered access to the centre, staff and all relevant material to inform his consideration of the incident; providing information and briefings to ACT Policing and WorkSafe in support of their investigations; briefing all oversight agencies, including the official visitors, the Children and Young People Commissioner and Public Advocate and the Inspector of Correctional Services, even though he does not yet have any formal role in youth justice oversight; and undertaking some preliminary rectification works on issues identified through the incident—for example, immediate changes to access into the facilities area in the centre.

The day after the incident, the client services manager and the family engagement officer also contacted the families of the young people at Bimberi to reassure them that all the young people were safe and that Bimberi's operations would return to normal as soon as possible. On the advice of senior staff in the children, youth and families division of the Community Services Directorate, neither I nor the director-general visited Bimberi on the day after the incident.

However, I subsequently attended the morning briefing on Thursday, 29 August to offer my support to staff and to thank them for their work, and the directorate has contacted all staff who were involved in the incident to check in with them personally. The Community Services Directorate also continues to work closely with the Community and Public Sector Union on issues raised by their members and any potential improvements that can be made to address these.

Madam Speaker, Bimberi staff undertake one of the most challenging roles in the ACT government. Sometimes they are called upon to intervene and respond when there are incidents of violence in order to ensure the safety of young people and staff within the centre, and at times this means placing themselves at risk of harm.

Mr Muir's report acknowledges the complex lives of the young people involved in the incident—not to excuse their behaviour but to contextualise it—and the impact of this complexity in managing a youth justice centre. As he notes:

The management and staff at Bimberi manage young people every day who are deemed too high a risk to be in the community due to their offending. In addition to this many of the young people involved in this event have histories of abuse, neglect and exposure to significant domestic and family violence.

On behalf of the ACT community, I again want to publicly extend my sincere appreciation for the work Bimberi staff do to rehabilitate young people with complex needs and difficult backgrounds at Bimberi, and the teachers, health professionals and community partners who work alongside them every day.

I also want to acknowledge the principled decision-making of three young people who were also in the unit where the incident started, and who actively chose not to participate. These young people are to be commended for their behaviour and for following all directions of Bimberi staff at the time.

Today I would also like to reflect on the fourth *Bimberi headline indicators report*, which I will table shortly. As members would be aware, I instigated this report in 2017 to provide greater transparency around the centre's operations. As with previous reports, I note that caution should be taken when interpreting data in this report as it uses unpublished data which has not been cleansed by an external agency, so it may not be comparable with data from youth justice centres in other jurisdictions.

The report also relies on operational data that is extracted through a manual count. All information is quality assured before tabling, to ensure accuracy. The new client information system currently in development will allow for the improved extraction of data in the future.

I am pleased to inform the Assembly that during the 2018-19 financial year only two segregation directions were required to be made for young people, compared to 10 in the 2017-18 period. In addition to this, 22 operational lockdowns occurred, compared to 179, which is a significant decrease and is also less than in 2016-17.

During this period the number of assaults at Bimberi continued the downward trend, from 64 assaults in 2009-10 to 14 in the current 2018-19 reporting period. The number of strip searches for young people entering detention was at zero for the year, as staff continue to apply a risk-based assessment for the types of searches necessary.

These searches are necessary at times to maintain the safety of the young persons themselves and others within the centre. However, it is acknowledged that every effort should be made to reduce strip searches to a minimum, given the trauma that has often been experienced by young people entering custody.

I note that there has been an increase in category 1 incidents in this report, compared to 2017-18, when there were none. The six incidents in the first half of the year, which

were included in the report tabled in April, reflect complex trauma-related behaviours within the small cohort of young people at Bimberi. One further incident occurred in the period January to June 2019, which involved a serious assault on a staff member that has been the subject of publicly reported charges against a young person.

As with all Bimberi headline indicator reports, while the report includes measures relating to safety and security, it also has a strong focus on education programs and community engagement. The core purpose of Bimberi is rehabilitation and providing young people with the supports and services they need to turn their lives around.

Young people in detention at Bimberi are continually supported to maintain engagement in education, build and maintain family ties, and develop the living skills they need to reintegrate successfully in the community. The Murrumbidgee Education and Training Centre at Bimberi continues to provide a range of educational and vocational programs, including recognised certificate programs, tutoring and transitional support back into the community through an individualised and tailored approach.

During the reporting period of 2018-19, nine young people completed the road ready course, eight attained their first-aid certificates, one attained their white card certification and one young person completed year 12 studies. I remain absolutely committed to ensuring that we have a youth justice system that is rehabilitative and that provides opportunities for some of our most vulnerable young people to turn their lives around. I again wish to thank all of those at Bimberi who work tirelessly to support these young people.

In closing, Madam Speaker, I table the following papers:

Bimberi Youth Justice Centre—

Bimberi Headline Indicators Report—September 2019.

Interim Report of the Independent Review of the Incident at Bimberi Youth Justice Centre on 26 August 2019: Executive summary.

Ministerial statement, 17 September 2019.

I move:

That the Assembly take note of the ministerial statement.

**MRS KIKKERT** (Ginninderra) (10.55): I wish to thank the minister for the update she has just provided. It is important to hear more about the major incident that happened at the Bimberi Youth Justice Centre late on 26 August. The safety and wellbeing of the young people detained in this territory are important to me. This is equally true of the safety and wellbeing of the staff who work with these young people. As soon as I became aware of the incident the morning after, I and my colleague James Milligan went straight to Bimberi to check on the welfare of both staff and the young people. It is important to me to demonstrate that I and the Canberra Liberals do care.

For the sake of everyone involved, it is crucial that our youth detention facility operates as it should. I note that the interim report mentions the need for further discussion on the adequacy of therapeutic support available in the centre. I welcome that discussion. There is simply no point in locking our young people up without providing them with the best therapeutic support.

Best practice from around the world makes it clear what can be accomplished by doing things right. I therefore look forward to reading Mr Muir's final report in November and carefully considering the recommendations that he will include. I expect that those recommendations will be accepted and implemented. I also look forward to reviewing the data in this latest headline indicators report.

**MS LE COUTEUR** (Murrumbidgee) (10.56): I thank the minister for her statement and I thank her and Mr Muir for the quickness of the turnaround on this. I think this is very reassuring both to the Assembly and the Canberra public, and probably most of all to the family and friends of the young people and staff who were involved in it. It must have been very stressful for all concerned.

I acknowledge that obviously there are further investigations going on. I look forward to hearing more about these in the future. Some of the information that has come out has been very reassuring. There were 11 staff at the centre on 26 August and 15 young people in custody, which would appear to be an adequate ratio of staff to young people at the centre.

It is also very reassuring that Mr Muir did not find any significant failing in the systems of behaviour management, although he did stress the need for consistency. I am pleased that Mr Muir has identified the need for further discussion on the adequacy of therapeutic care, as issues of trauma, abandonment and neglect are often at the core of why young people have ended up in Bimberi for whatever sort of offending behaviour.

We all know too well the links between the youth justice system and the possible trajectory into the adult justice system. I believe that it is very important that we address the therapeutic needs of the young people in this context. Once young people get involved in the out of home care system, and even more Bimberi, it often is the beginning of an unfortunate life trajectory. I think it is really important that we do the best we can with the young people in Bimberi to ensure that their life trajectory becomes more positive than it would have been otherwise. That has to be the major aim of Bimberi.

Mr Muir has identified areas for improvement. This is very good. One other thing that I think it is worth coming back to is the need to increase the age of criminal responsibility. This is something the Human Rights Commission, and specifically the Commissioner for Children and Young People, has been recommending for some time. I understand that there has been an intention for the ACT government to do some work on this subject, but if this is happening all I can say is that to date it clearly has not surfaced in any public fashion. I urge the ACT government to get on with it, to

look at this issue and to resolve it in a positive fashion. Young people's lives are at stake, so we cannot afford to be complacent.

Question resolved in the affirmative.

## **Fisheries Legislation Amendment Bill 2019**

Debate resumed from 16 May 2019, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (11.00): I rise to address the government's Fisheries Legislation Amendment Bill 2019. I will start by making some comments about recreational fishing. Fishing is a popular and legitimate sporting and recreational activity enjoyed by a large number of Canberrans. The most recent national recreational fishing survey estimates that about 3.4 million Australians engage in recreational fishing each year, directly contributing an estimated \$1.8 billion to the economy. In 2003 the Australian Bureau of Statistics estimated that the sector supported about 90,000 Australian jobs. A decade ago the annual turnover of the recreational boating industry was estimated at around \$500 million, 60 per cent of which related to fishing.

Recreational fishing is a popular form of outdoor recreation enjoyed by many Australians. About 25 per cent of Australian households have at least one member who participates in recreational fishing. On average, each of these households contains two recreational fishers. Recreational fishing is one of the few forms of nature-based recreation that can be enjoyed throughout childhood, adolescence, adulthood and well into the senior years. It can be enjoyed by people of many cultures and people with a range of abilities. It can be done on your own or in social groups. It can be enjoyed simply by walking down to your local pond or stream or as more of an expedition to a far-flung exotic destination.

Recreational fishing is popular and it contributes economic and social benefits to the Australian economy particularly in regional areas, and Canberra is no exception. It is not easy to get accurate figures on the number of fishers in the ACT since much of the focus of ACT fishers is outside the ACT, including Googong Dam. But one recent piece of data on recreational fishing aggregates ACT data with New South Wales data. The New South Wales Department of Primary Industries conducted a recreational fishing survey in 2013-14, which estimated that 849,249 New South Wales and ACT residents participated in fishing in the previous 12 months, a participation rate of 12 per cent.

More males than females fished, with the male participation rate at 17 per cent compared with seven per cent for females. Females were more likely to fish as part of a larger social group. The highest number of fishers were between 30 and 44 years of age, but the highest participation rate of any age group was 20 per cent for five to 14-year-olds.

So what are we doing to support recreational fishing in the ACT? Today we are bringing in more laws, and I ask myself why we are doing this and why is this a priority? The explanatory statement for this bill states:

Comments and submissions received during public consultation showed that there is a perceived lack of enforcement of the Fisheries Act amongst the ACT recreational fishing community. Respondents reported observing non-compliance.

So here we have the ACT recreational fishing community telling the government that they believe that there is a lack of enforcement of the current laws, and the government's response is to bring in more laws. ACT fishers also note the government's lack of success against the benchmark set in the act.

A Canberra Liberal government introduced the Fishing Act in 2000, and one of the listed objects was to provide high quality and viable recreational fishing. The strong view of many in the fishing fraternity is that successive Labor governments have failed in this objective. Evidence of this failure includes: permitting pest fish species to dominate ACT waters over recent years; the limitations in stocking sporting fish species, suitable for ACT waters; and the closure of high-value streams, including the Cotter River completely above the new Cotter Dam.

Even the government's own tourism agency VisitCanberra finds it difficult to promote Canberra fishing. If you google "Best fishing spots in Canberra" the number one result is VisitCanberra where it says there are some great rivers for boat and shore fishing: Moruya River, Tuross Lake, Clyde River and Wagonga Inlet. That is an interesting result from VisitCanberra.

The fact is that the ACT is already highly regulated for recreational fishing. Many would say that the sector is over-regulated and that the government is driving recreational fishing out of the territory. The truth is that the ACT has limited opportunity for recreational fishing and it is now being limited even more by direct government actions.

A high percentage of ACT rivers already have fishing bans. Fishing is currently banned in the Tidbinbilla River within the Tidbinbilla Nature Reserve, Orroral River upstream of the bridge west of the site of the former space tracking station, Cotter River catchment upstream of the Bendora Dam wall including Bendora and Corin reservoirs, Cotter River and the reservoir above the Cotter Dam wall to the junction with Condor Creek, and the Murrumbidgee River downstream of the concrete crossing at Angle Crossing to the junction with the Gudgenby River.

Why are all these streams locked out to fishers? Access has been banned in recent years on the Cotter River to protect native fish but anecdotal evidence suggests that few anglers ever caught a native fish in over 15 years of fishing the Cotter River. Locked gates have now been installed and signs erected threatening fines that are greater than those for many criminal offences.

Vanities Crossing Road is closed. This effectively excludes fishers from the only open section of the Cotter River. The reason given at the time was to protect Canberra's water supply. However, much of Canberra's water comes from the Googong Dam where anglers can fish and boat under New South Wales permits to their heart's content.

The 873 square kilometres of the Googong catchment is also home to hundreds of people and kilometres of roads and tracks. Fishing is only allowed in the Murrumbidgee River downstream from the junction with the Gudgenby River and upstream from the concrete crossing at angle crossing to the ACT border and the Molonglo River downstream of its junction with the Queanbeyan River and urban lakes and ponds.

Trout fishing is virtually non-existent in the ACT due to the decision to cease stocking local waters—mainly Lake Burley Griffin—with trout, as is done in other states. Trout anglers, including fly-fishers, are forced to travel long distances, for example, to the Snowy Mountains waters, to enjoy reasonable trout fishing experiences. A considerable environmental aspect is involved with that long distance to New South Wales destinations and there is also leakage of economic benefits with significant expenditure taking place outside of the ACT.

Four of the naturally occurring fish species in the ACT are totally protected. The two native fish that can be fished—the Murray cod and golden perch—are, of course, subject to strict bag limits between one and five fish per day, closed seasons and size limits. Fishers are also restricted in their daily fishing effort. They can have only two attended fishing rods or lines with no more than two hooks on each line, and the lines must be within 10 metres of the fishers at all times. Fish caught cannot be sold. Fishers are not allowed to fillet fish while next to a lake, river or stream. Fishing on lakes is not permitted from motorboats but is permitted from electric boats.

I am not saying I disagree with these provisions. I am not saying these are bad measures; they are there to protect our fish stocks, especially our native fish. What I am saying is that we should be looking at how to support and expand recreational fishing. We could be much more proactive in reducing or eliminating pest fish species.

As a few suggestions, we could implement commercial carp and red fin fishing methods. That might include netting or electrofishing with catches processed for pet food or fertilizer. We could consider the merits of totally banning the return to the water of both these pest species if caught. We could be more active in eliminating other pest fish species, including goldfish and aquarium species. Under fisheries resource management we could consider the resumption of stocking of rainbow trout, because this species survives in dams and small water areas. We could consider the interaction of catch and release rules in some areas to assist with maintaining sustainable fish populations.

Fishers in the ACT say we need better access to prime fish streams. We should reverse the closure of some of these areas to allow fly and lure fishing only, consistent with some New South Wales waters. We could open more ACT waters for fly and

lure fishing only and consider implementation of catch-and-release only conditions in specified waters. We would like a stronger recreational fishing focus.

We could select impoundments for intensive stocking of suitable native species and trout to promote local recreational fishing. There are few incentives for junior anglers to participate in recreational fishing activities in the ACT. We could feature one or more junior fishing days on selected stocked impoundments per year.

I was somewhat surprised to see that the bill has sections dealing with regulating aquaculture and commercial fishing. I am not sure why we are dealing with this in the Assembly's time. It is a bit like when the Labor-Greens government regulated piggeries in the ACT. I am not sure of the point of regulating an industry that does not exist in the ACT. Maybe next we will have a mango farming bill or an ox and cart bill. Members of the public can and do rightly ask why we are focusing on these irrelevant issues when the city is crying out for good management.

The Canberra Liberals support setting a framework for cultural fishing activity by Aboriginal people, but this vision is vague on what it means in practical terms in the bill. We would like to see more detail of how this will be achieved.

The current bill bans the use of opera house style yabby traps in private and public waterways in the ACT. This is a good measure. It is an important step to protect water rats and platypus in our waterways and has the full support of the Canberra Liberals.

To conclude, we take a position of cautious support for this bill acknowledging that some of the provisions appear unnecessary, acknowledging the government's lack of will to enforce existing legislation, and acknowledging the government's lack of interest in promoting recreational fishing. We will maintain a keen interest in the effectiveness of the government in this space. Notwithstanding the points I have made, the Canberra Liberals will support the passing of this bill today.

**MR RATTENBURY** (Kurrajong) (11.13): Mr Assistant Speaker Pettersson, welcome to the chair. This is a good piece of legislation, and the ACT Greens are pleased to support it. In particular, I draw attention to the amendments which will result in the banning of opera house traps for use in private waters in the ACT and requiring point-of-sale signage regarding the traps. These opera house traps are already banned in public waters and this bill takes some further steps to try to prohibit their use. These traps are an issue that the Greens have been concerned about for a number of years. We have in fact raised the issue on many occasions.

Opera house trap is the colloquial name for enclosed yabby traps. Unfortunately, these traps do not trap just yabbies; they are notorious for trapping and killing platypuses and other native animals, such as turtles and water rats. Platypuses are particularly at risk of being caught in the traps because yabbies are part of their diet. If a platypus is caught in the trap it drowns and dies in less than three minutes. These traps need to go. It is not reasonable to endanger our native wildlife just so that people can trap yabbies.

As I said the traps are already illegal in public waters in the ACT. The amendment in the bill will also prohibit them from use in private waters. This is a good step. There

are yabbies in private waters but there are also air-breathing water animals that can become trapped in them.

Unfortunately, prohibiting the use of these traps is not enough. The traps are still available to buy for only a few dollars. The fact that an item that is prohibited for use is still allowed to be sold is misleading for people. I can see how customers could assume that the product is allowed; otherwise why would the store be selling it? Unfortunately, this is a quirk of our federation, in that the ACT cannot ban the sale of items that are legal to sell in other states. It is a freedom of interstate trade issue and it is set out in the Mutual Recognition Act, which, of course, stems from the Constitution.

In the past I have written to the manager of the BCF stores in Canberra—BCF is probably Australia's major fishing gear retailer—and asked that they voluntarily stop selling opera house traps. Because we cannot easily prevent the sale of these traps in Canberra, it is important to explore what other measures we can take. This is where point-of-sale signs come in. We have taken the same steps in relation to the sale of eggs, and free-range eggs in particular, in Canberra stores.

The bill contains an amendment requiring retailers to display a sign to inform customers that, even though the traps are for sale, they may not be used in the ACT. This may in fact encourage ACT stores to voluntarily stop selling the traps, which I think would be a good outcome.

I note that Minister Gentleman is also exploring further options to raise awareness about the ban, including introducing a yabby trap swap program. There is also further work to be done at the COAG level. In fact, with ministerial agreement, we should be able to ban the traps from sale completely. I would like to acknowledge the good work done by Minister Gentleman in making these amendments and in exploring further options for improving the efficacy of the legislation.

I also support the other updates to the Fisheries Act which are proposed in this bill. It allows the declaration of critical habitat areas, which should enable better protection of native fish and their habitats from threats such as introduced species. The bill will also allow for guidelines to regulate aquaculture in the ACT.

While we support the creation of guidelines, I note that the Greens are closely interested in how aquaculture will be regulated and in what form it will be permitted. Some forms of aquaculture can actually be quite an environmentally destructive activity, and can be done intensively, creating waste products and various other problems in the natural environment. The fishing of smaller species, lower down the food chain, to provide food on a large scale has, in parts of the world, had a significantly detrimental impact on the local species supply as a result of that industry. Obviously, we would have problems with those sorts of consequences that can flow from intensive aquaculture practices.

On the other hand aquaculture in some forms can contribute to food security and help to avoid some of the problems associated with fishing in the ocean, such as overfishing and the depletion of species. This underlines that the guidelines that will

accompany this are a really important part of having a sustainable aquaculture practice and avoiding some of the potentially negative consequences that can arise from aquaculture.

I am supportive of the new offences in this bill, such as the new offences to protect habitat, especially that of threatened species, and the offences related to commercial fishing.

I also particularly note the change in this bill to the Nature Conservation Act related to cultural resource use by Aboriginal people. The bill will allow the Conservator of Flora and Fauna to develop plans, in partnership with the traditional custodians, that will allow for Aboriginal cultural activity, particularly in reserves. I understand that this was developed with, and has the support of, the local Indigenous community. On that basis the Greens are pleased to support that amendment.

In conclusion, this bill makes a range of positive amendments, and we are happy to support it today.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (11.19), in reply: Mr Assistant Speaker Pettersson, welcome to the chair. I am pleased to close the debate on the Fisheries Legislation Amendment Bill 2019, and thank my colleagues in this place for their contributions.

The bill has come about because of the hard work of staff within my directorate. I want to thank them for their diligence and dedication to improving our environment and enhancing conservation. We are truly gifted with wonderful experts, and it is a pleasure to work with them and be guided by their expertise.

The review of the Fisheries Act identified the need to update the legislation, to modernise existing provisions to improve compliance and enforcement, to provide additional protection to native species and aquatic habitats, and to add important aspects like the facilitation of cultural resource use for the Aboriginal community.

Recreational fishing is a popular activity in the ACT, with our readily accessible rivers and the urban lakes and ponds providing many opportunities for fishing. During the review we heard from the ACT recreational fishing community about the things that were important to them. They told us that the issue of most concern was the maintenance of viable recreational fisheries in our rivers and lakes through the conservation of native fish and their habitat, and they identified a need for improved enforcement of fishing rules. They want fishing in the ACT to be an activity that can be enjoyed for generations to come.

The bill amends the Fisheries Act 2000, the Nature Conservation Act 2014 and the Pest Plants and Animals Act 2005. The amendments modernise the Fisheries Act to address contemporary issues in fisheries management in the ACT and to facilitate both recreational and cultural fishing by Aboriginal people. It improves trade in live

fish, the management of aquaculture, and it protects native fish species. Amendments will also make compliance with and enforcement of fishing rules more straightforward and more effective.

The bill's amendments improve protections for native fish and habitat. It does this by allowing the Conservator of Flora and Fauna to declare areas of critical habitat for native fish and provides associated offences and penalties for damage or destruction of this habitat. Additional offences relating to the damage or destruction of spawning areas and aquatic habitat are also included.

The declaration of critical habitat allows the community to understand what habitat is important to native fish, where this habitat is and how to better protect it. The declaration is not likely to impact recreational fishing activity in the declared areas as most fishing activity is not destructive. It will, however, protect against the removal of fallen timber or rocks which provide important habitat.

The bill also allows the urgent closure of fisheries in certain circumstances, for example, to control disease outbreak or to protect certain species of fish if an unusual environmental event makes them particularly vulnerable to overfishing. The conservator must give public notification about the closure at or near the waters affected.

As I discussed when introducing the bill, in a further effort to protect our native wildlife, provisions are included to explicitly prohibit the use of certain gear through a declaration. The declaration will initially be used to prohibit the use of enclosed yabby nets in all ACT waters in order to protect platypus and other freshwater mammals from drowning if caught in the traps. This is only intended to ban the use of gear to catch yabbies that can cause the death of native animals and other air-breathing animals. It does not restrict the catching of yabbies using permitted gear which is readily available and shown to be effective in studies undertaken by the Victorian government.

As I said in my introductory remarks, I would like to ban the sale of enclosed or opera house style traps altogether. However, my advice is that this is not possible without the agreement of the states, territories and the commonwealth. I have written to my counterparts and will continue to raise this issue through ministerial forums that I attend.

The release of invasive aquatic species back into waterways can have a significant environmental impact. For example, European carp in our waterways have caused a decline in native fish populations, and redfin perch carry disease which could significantly threaten the endangered Macquarie perch. The bill enables the Conservator of Flora and Fauna to declare certain fish, and/or certain areas, where it would be an offence to return invasive species to the water. This will allow for areas not currently impacted significantly by pest fish to remain free of invasive animals. This offers greater protection to sensitive environments and better controls around invasive fish, while still taking into account concerns raised by some members of the community that being required to kill pest fish species, if caught, would likely stop them fishing.

The release of any live fish, other than into the waterway from which it was caught, is also prohibited under the Fisheries Act. This, of course, is to protect the ecosystems of our lakes and rivers and prevent the introduction of non-native or non-endemic species that might outcompete native fish for food or bring with them exotic diseases.

These provisions restrict the religious practice of karma release, which includes the release of fish into the wild—usually those destined to be sold for consumption—providing freedom for the fish and good karma for the person. This practice can have a significant impact on the environment through the introduction of invasive species or disease. The restriction of this practice is important for protection of our lakes and rivers, and for the welfare of the species being released. We will explore options to facilitate karma release in a safe and controlled way that is best for the environment and the released fish.

The bill also provides for the conservator to make guidelines regarding certain matters, including the conservation and management of fisheries, allowing guidelines to be made about fisheries management issues as they arise. This will allow more flexible management of fisheries and the greater provision of information and guidance on particular management issues.

These amendments and additions to the Fisheries Act support the existing provisions allowing declaration of numbers of fish, size, gear and seasons when they may be caught, to maintain a sustainable recreational fishery for present and future generations.

Another important amendment included in the bill is to the Nature Conservation Act, to facilitate cultural resource use by Aboriginal people. The review found that many other jurisdictions in Australia support cultural fishing by Aboriginal people through their fisheries legislation. This was an area that was lacking in the ACT. We consulted with the Ngunnawal people and found that the issue was wider than just the facilitation of cultural fishing. Access to natural cultural resources more broadly, such as the collection and use of certain plants, or access to areas for cultural activities across the ACT, are also important to the community.

For this reason the bill includes changes to the Nature Conservation Act, allowing the conservator to develop a statutory cultural resource use plan, in partnership with traditional custodians, which will allow for Aboriginal cultural activity, including traditional activities such as fishing or carrying out cultural practices on public lands. Amendments to the Fisheries Act allow the undertaking of certain activities if they are consistent with a cultural resource use plan.

There is a provision for the bill to commence on a date fixed by the minister. Many of the provisions of the bill will need to be enacted through a declaration, providing a chance for further stakeholder consultation on their implementation. This will ensure that stakeholders have the opportunity to become aware of the new requirements before the bill commences. The ACT government will also undertake targeted communication and engagement with recreational fishing groups, businesses that sell fishing gear and live fish, and the local Aboriginal community and Ngunnawal

peoples to ensure that the transition is smooth and has as little impact as possible on the community.

In summary, this bill will improve fisheries management in the ACT, offer better protection to native fish and habitat and will, importantly, facilitate access to cultural resources for traditional custodians. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Planning and Development (Community Concessional Leases) Amendment Bill 2019**

Debate resumed from 1 August 2018, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (11.29): The Canberra Liberals will be opposing this bill for a number of reasons. The reporting requirements on community groups, even those who won the deconcessionalisation of their leases prior to this amendment, are complete Big Brother overreach, to be honest, Mr Assistant Speaker. When you consider the make-up of so many of the community groups that are in this space and how many of them operate entirely with volunteers, satisfying those requirements will be tough. So there is the overreach of the reporting requirements, but the framework itself, whereby the planning directorate would have a more holistic approach to the granting of land for community leases, looks quite sensible if you trust this government to do the right thing with that framework. But you cannot trust the Barr government. You cannot trust them to play fair.

You cannot trust the Barr government. It is inevitable that they will insert their social agenda in these matters. It is inevitable that they will pick winners and play favourites, because that is what they do. This government cannot ever trust the community to do the right thing. They think that Labor and the Greens know best, and they will manufacture the result that they want. They continually display that they do not trust our citizens, and time and time again they display that they do not trust community groups.

We have seen this play out in the ongoing debate on clubs' community contributions. The government made it clear that they do not trust the clubs to determine what is important for their community. They quarantined a portion of clubs' community contributions and funnelled them to the newly minted Chief Minister's charitable fund because they were worried that the clubs would just look after their mates.

In the first round of grants, we have seen a big wad of cash go to the CFMEU's charitable fund; we have seen money go to one of the groups that lobbied hard to get the Chief Minister's charitable fund; and we have seen money go to the fund that has extremely strong connections to the minister for regulatory services himself.

We the Canberra Liberals trust our community groups to do what they do for the community. We do not support a Big Brother approach. We do not support the establishment of yet another framework, yet more complex systems for community groups to navigate their way through to prove to the government that they are working for their community.

You may think that it is a stretch to say that this bill is Big Brother at work, but it is difficult not to arrive at that conclusion. The bill will require community organisations that have been granted a concessional lease to report to the planning and development authority on the usage of the land in question or give other requested information, and to make available all records relating to the use of the land, irrespective of when the lease was granted.

On another level, this amendment bill is the government admitting that they have stuffed up the land supply in regard to community land. Mr Barr continues to tell us that we are about to run out of land. That is absolute rubbish, but it is abundantly clear that there has not been enough land made available for these purposes. This problem has its roots in long-term planning decisions. To some extent, the bill has been written to find a way of dealing with that mess.

I am sure that those opposite would suggest that there is no mess. I would suggest they tell that to the cultural and religious groups that have been going through a process, some of them for more than five years, to secure their parcel of land. Those opposite would say that there is no problem, but I would ask them to say that to the Canberra Hindus regarding their exhaustive search for a place to worship; the Syro-Malabar Catholics and the Ahmadiyya Muslims, who have been shunted from pillar to post; or Gungahlin's Islamic community regarding their ongoing struggle for workable car parking space.

All these things have happened under the much simpler current system. This government wants to add layers of complexity, with audits and frameworks. I can see some groups being left in the wilderness for a long time, as they already have been. Yet, strangely, I can see the government's favourites getting an inside run.

As I said earlier, the auditing provisions are overreach. We simply do not trust the Barr government to administer this new, relatively complex framework in a way that does justice to the community. Whenever discretion is required, you can just about guarantee that favourites will be played and a social agenda will be inserted into planning policy. We will be opposing the bill.

**MS LE COUTEUR** (Murrumbidgee) (11.34): The Greens will be supporting this bill and the government's amendments. This bill is about an issue that the Greens have

been banging on about for years and years: the supply of low cost community facility land for community groups that cannot afford to buy land at market prices. This is the land that is known as concessional leasehold.

This land is required by groups that create social value rather than monetary value. I agree with Mr Parton that there simply is not enough of it. I would like to quote one particular part of the explanatory statement of the bill we are debating today that explains exactly what that means:

Social value is the term used to describe the additional value (non-monetary in nature) created in the delivery of a service which has a wider community or public benefit. This extends beyond the social value delivered as part of the primary service or activity. ‘Social value’ captures the concept of the positive impacts on the economic, social and environmental well-being of the area.

There are two areas of concessional land issues where the Greens have been particularly concerned: first, the supply of land in new suburbs; and second, the steady erosion of the existing supply of land through deconcessionalisation, which converts it to a standard lease. As this bill basically covers the first of these two issues, I will focus my speech on those issues.

Over the past decade, the large majority of community facility sites released have been sold on the open market. The only community uses where people can afford to buy sites on the open market are those which will also be profitable. They are childcare centres, private health centres and private aged care facilities. They do have their purpose in life, but they are not the only community facilities we should be having. They are all worthy, but they are not reliant on land zoned for community facilities. Childcare centres and health centres are usually located on commercial zoned land. Private aged care facilities can afford to buy residential zoned land.

The result has been a long period where community facility zoned land release has been operating as a specialist kind of market land release. This approach has seen a large part of the Canberra community missing out. These are community groups—the arts groups, the charity groups, and the religious groups which Mr Parton mentioned—that cannot afford to buy land on the open market. Very few sites have been released for these kinds of organisations in the past decade.

Take Molonglo Valley in my electorate as an example. Residents regularly tell me that the area lacks community facilities. There is some community facility provision—child care and a medical centre—but there is no space for community life. There are no multicultural groups. There are no arts groups. There are no scouts and guides. That is because there just is no land for any of these groups to set up on. Basically, all they have is occasional use of the school, which is not enough, and the tiny Stromlo cottage. The SLA requires ones of its staff members to be always present at the cottage when it is used, so it is prohibitively expensive for the community to use.

This is a huge departure from Canberra’s past. In the past, we used to set aside land for community groups for the social value that it would provide. As a result, there are huge mixes of these groups in Canberra. This is one of the big strengths of the older suburbs of Canberra.

Against this context, it is good to see that this bill is focusing on the process for land release for concessional leases. I hope that this is a sign that attitudes are changing and that concessional leases—real concessional leases—are back in the government's mind.

The new process proposed for release of these sites has promise. Currently, a very small number of sites are released irregularly on a site-by-site basis through a direct sale to a particular group. That is really not transparent, and it hides the true demand for land. The new process will be a competitive tender, but not on market value. Rather, the criteria will include things like the ability of the organisation to use the site effectively.

I suspect that one of the effects of this new process will be to highlight the level of unmet need. There will be a lot of organisations tendering, and I believe that a lot of them will be able to show a very high level of social value. Making this level of unmet demand visible will be a very useful outcome.

There is one potential downside to the proposed process, and it is one that Mr Parton touched upon as well. Organisations with paid staff, like churches and large charities, will have a much better ability to deliver high quality tender documents than groups without paid staff like scouts, guides, multicultural groups and smaller community groups. Organisations with strong finances will be able to better demonstrate that they can build on the land, whereas smaller groups will have difficulty demonstrating that they can raise funds for that. The government will need to manage the process very carefully and very fairly to make sure that the less well funded groups still have a chance of actually getting land.

I will briefly touch on two other things the bill does, both of which I support. First, it allows the planning and land authority to develop a statement of priorities for community land in each district and to legally set aside areas of government land for future community purposes. I hope that these processes are made use of so that the land is not diverted to other things.

Second, there are a number of changes that are intended to help make sure that existing concessional leases are well utilised for their intended purpose. These include a small change in the process for deconcessionalising land as well as reporting and auditing processes for existing concessional leases. These are worth while. As a package, they may have some success in getting under-utilised concessional leases better used if backed by staff in the directorate. However, I have no doubt that they will be controversial with land holders when they are put into action.

I share some of Mr Parton's concern about the possible impact on small groups, but unfortunately we have a number of under-utilised concessional leases. On balance, I think that this is a worthwhile innovation. We need to have some better process for ensuring that we do not have deconcessionalisation by stealth, as has happened in the past, by existing groups running their lease down and then demonstrating that it has to be sold and deconcessionalised. That is not the way to manage the deconcessionalisation process.

I applaud the government's recent decisions not to agree to five deconcessionalisation proposals. This was a welcome change from the past practice of agreeing, as far as I can tell, with every single group who ran their facilities down and then demonstrated that the only thing to do was deconcessionalise them and turn them into reasonably high density residential. This has been a huge relief for many people in the community as well as the Greens. As I said earlier, we have been very concerned with the constant flow of approvals over many years that have been converting our limited supply of concessional sites into development land. I give a very big tick to Minister Gentleman and ACTPLA on this front.

Concessional community land is an important part of community life in Canberra. This is the land that used to be provided in new suburbs for groups like scouts and guides, multicultural groups, charities, arts groups and religious organisations. In recent years, very little new concessional or community land has been provided, and a steady stream of decisions has converted existing sites into market leases. This bill and the welcome five recent decisions against deconcessionalising leases are a good sign that the government is starting to focus on this important issue. The Greens will therefore be supporting the bill and the government amendments as a small but useful step forward.

**MRS KIKKERT** (Ginninderra) (11.43): I thank Mr Parton for his words earlier that, as he made clear, supporting this bill requires trusting the Barr government. The simple reality is that fewer and fewer Canberrans have that level of trust in this government. In many ways this seems only fair since this bill makes it equally clear how little trust those opposite have in the people of Canberra.

For decades community concessional land has been available to community organisations on a first-in, first-served basis for purposes that they have determined important to the community. This has been a classic grassroots process where people with common interest have created vibrant community associations and then sought access to a parcel of land in order to pursue their goals. These are the kinds of associations that those who understand community would go out of their way to support.

But the Barr government does not get community. They talk about it, certainly. It is apparently a word that they know, based on how many times they use it, but it is a concept that they clearly do not comprehend. This is evident for a whole raft of policies that this government has introduced that make it more difficult for community organisations, volunteer groups and community clubs to operate. Some of these policies, as former Labor Chief Minister Jon Stanhope has recently pointed out, seem not so much wrongheaded as designed to punish community organisations that dare disagree with the Barr government in any way.

Many in our multicultural communities have come to expect disregard, if not downright disrespect, and when it comes to securing help of any kind they often feel like beggars before this out-of-touch government, spending years asking for the simplest things and having to satisfy themselves with the few crumbs that accompany a ministerial photo opp.

Now, if there was any doubt before, this bill makes it blindingly clear that the Barr government do not trust ordinary Canberrans because, instead of community groups deciding for themselves what their needs are, this bill will completely replace the grassroots approach with a characteristically heavy-handed, top-down decree from this government. As clause 253D of the bill clearly states, the Planning and Land Authority will now be “setting out the government’s priorities in relation to community use for land”. If one were to summarise this bill in a single statement, that might be it. I repeat: “setting out the government’s priorities in relation to community use for land”.

Community land in this territory is no longer about the community’s priorities. The Barr government clearly does not trust communities to know what their priorities should be. No, that is a task that this government wants to take entirely to itself. Assured that the handful of them are somehow the brightest, most aware people in this entire territory, they will determine what the government’s priorities are and then they will decree that their priorities are now the community’s priorities too, whether of course they really are or not.

The message could not be clearer. In this territory the Barr government tells people what is important and, if a community organisation wants to come begging for a parcel of land on which to build a community facility, that facility had better line up exactly with this government’s priorities because, if it does not, that expression of interest will be promptly screened out. Never mind if a community group has the numbers, never mind if they have raised funds for years to build their community facility, if that facility is not on the government’s list of priorities it will be a hard blow for our community groups. In this territory community groups must get with the Barr agenda or go looking elsewhere. It is not really community land anymore, anyway. This bill makes it clear that it is the Barr government’s land.

Of course, passing muster on the first cut does not mean that a community group will secure a parcel of land either. No, the total mismanagement of planning in this territory has resulted in a completely predictable and therefore clearly intentional scarcity of community land, and this in the face of a swelling population. Community groups are now to be pitted against each other in the Barr government’s version of the *Hunger Games*, each trying to outcompete the other in demonstrating whose priorities most align with what this government has told them is important. What an ugly situation! What a slap in the face to every single community organisation in this territory!

But wait, it gets better. In a briefing arranged by Minister Ramsay and Minister Steel the question was asked: what kind of consultation had this government engaged in with community groups before tabling this bill? The answer is none. I genuinely want to be surprised by this but I am not. The Barr government does not need to stoop to consulting community groups before completely altering the process by which such groups can access community land at concessional rates. That would require trusting such groups to have sensible opinions and important input. No. In this territory Mr Barr and his government know best. That is the unescapable message in this piece of proposed rubbish—excuse me, legislation—and I assure those opposite that our community organisations are hearing that message.

Needless to say, I and the Canberra Liberals cannot support this bill as drafted. We trust ordinary Canberrans. We trust them to form associations that meet their needs. We trust them to know what their needs really are. We want to see them empowered to pursue their own agendas, free from unjust obstacles or artificial scarcity. We believe in a genuinely diverse society where people and community organisations can actively pursue a plurality of priorities without having to beg for this government's blessing. This is the Canberra that the Canberra Liberals believe in. These are the Canberrans that the Canberra Liberals represent.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (11.51), in reply: I am pleased to finalise the bill today. I thank members for their contributions to this debate. I advise I that intend to seek leave of the Assembly to move government amendments to the bill pursuant to standing order 182A on the basis that those amendments are quite minor and technical in nature.

As members know, the bill establishes a new framework for the identification and release of land to not-for-profit community organisations in the territory and involves various amendments to the Planning and Development Act 2007. This is a new strategic and forward-looking framework to replace the outdated community direct sale policy. It sets a fairer and more transparent system. It means that the community gets the most from community land, and also allows a consultative approach. I am not surprised that those opposite are opposing the bill; it is typical of them to oppose something that involves transparency, fairness and community involvement.

The new framework established in the bill is the result of the review of the community direct sale mechanism and the review identified several issues with the process. In particular the review found that the process does not adequately provide the community facilities the Canberra community needs. It also found that the current process does not take into account the growing pressures on the ability and availability of land. Further, the existing process is too reliant on case-by-case assessments and is not sufficiently consistent, transparent or accountable.

Experience has shown that the first come, first served basis creates an uneven playing field for community organisations often favouring larger, well-resourced organisations to the detriment of providing wider community benefits. This new process seeks to create a fairer and more transparent system.

The community direct sale policy was put in place when Canberra was a very different place. The aim then was to attract community organisations and services to Canberra by directly gifting them parcels of land. However, as Canberra continues to grow and land resources become increasingly scarce, we as a government and as a community need to make more efficient and effective use of these limited resources.

Given these policy settings, it is important to adopt a more strategic and equitable process for allocating community land to maximise the benefit of these resources for

the entire Canberra community. The bill reflects the vision set out in the 2018 planning strategy, namely, to be a sustainable, competitive and equitable city that respects Canberra's unique legacy as a city in the landscape and the national capital while being responsive to the future and resilient to change.

One of the themes in the planning strategy is to have a more liveable Canberra, and this framework delivers on this theme by allowing social infrastructure that meets community needs and supports strong communities. There are five key elements to the bill. Firstly, it defines the various community land uses that can be potentially incorporated into a community concessional lease. Secondly, it uses an evidence-based approach to match community needs with available land. Thirdly, it has a competitive two-stage tender process to release each site, including an expression of interest process followed by an invitation to tender. Fourthly, assessment criteria will be used at the expression of interest and tender stages to determine eligible organisations and use. Fifthly, it has mandatory lease provisions for community concessional leases and related ongoing use and compliance measures to ensure that once the land is granted it continues to be used in the manner prescribed in the lease.

I will now elaborate on these key five elements of the bill. As I have indicated, the first of the key provisions sets out community uses that are available for potential incorporation into a community concessional lease. Of course, not all of these uses will be in every community concessional lease. In practical terms these are community uses such as scout halls, men's sheds, places of worship and other uses that reflect the government's concessional land charging policy. These community uses are also permitted across a number of zones in the Territory Plan and are not confined to CFZ land.

The bill emphasises the importance of these community uses because this government has and always will recognise the immense social value of the services provided by the organisations who would not otherwise be able to purchase land at full market price or whose contribution is considered socially valuable.

The second key element relates to matching available land with community need. The government will look at information such as community consultation, planning studies, population and demographic data along with government priorities to determine community need. The government will then look at available community land and identify appropriate sites for particular types of use. For instance, if the evidence gathered by the government tells us that the community would benefit from a cultural facility in a particular district, the government can assess whether there is vacant land suitable for this use in the district and then declare a particular site as having a cultural facility as its required use. The government is keen to ensure that the community gets the most from community land. This means that applicants should consider whether the facility could be used for additional uses, such as community meeting rooms or a recreation hall.

The third and fourth key elements of the bill are intertwined and relate to the process of organisations submitting their proposal for grants of identified concessional

community land. The two-stage tender process allows proponents the opportunity to first test their proposal before submitting a detailed tender. At the tender stage proponents will build on their response to the threshold criteria at the expression of interest stage and be required to respond to additional criteria.

These criteria include evidence of their not-for-profit status, financial capacity to build on the land, as well as their capacity to continue to operate the proposed service in the long term. This means that all parties can have a realistic sense of whether the requirements and use provisions set out in the lease can be met in a sustainable and ongoing manner.

The fifth key element of the bill goes to the very heart of the grant objective, namely, to deliver a service that provides ongoing benefits to the community. This element, which has a number of aspects, is essentially how we make sure that the land in a community concessional lease continues to be used for the required community purpose. Lessees will not have an option of providing the service or be able to use the site on only a few days per year. Lessees will be required to deliver the community service for which their lease was granted and to provide an annual report on their land use to the Planning and Land Authority.

We must ensure that community land is being used appropriately and effectively. This is vital in making efficient use of our limited community land resources, and the government is committed to ensuring that concessional land, which has inherent social value, is used to its fullest potential

The government will ensure that this reporting is streamlined and straightforward. The community use report will be a record of uptake and service usage data that provides valuable information about the benefits being provided to the community from the land. The report will assist government with lease compliance. It will also have the benefit of providing a long-term base to inform other strategic planning data for future community land releases. In the event that the land is not being used and is surrendered or the lease is terminated as a result, the government will then have the option to reoffer the site to other organisations via the same two-stage tender process.

Similarly, in circumstances where the lessee no longer needs the land or in the unfortunate instance where the lessee is determined as not complying with the lease provisions, the organisation will be required to return the land to the government in line with section 293 of the existing act. These provisions reflect the aim of ensuring that all community concessional leases granted from now on are to provide ongoing benefits to the whole community for the entirety of the term of the lease.

As I have detailed to members of the Assembly today, this new legislative framework is a significant reform. This bill recognises the importance of our community's social wellbeing and it recognises the valuable contributions that not-for-profit community organisations make towards this end. The bill gives them a fairer chance to access the resources they deserve. By prioritising the community of the day while being mindful of the future this bill will keep up with our city's needs as they change.

Those opposite want to keep Canberra in the past, to hoard land for their mates and to sustain practices that are unfair and opaque. This is a bill for the Canberra of today and the Canberra to come. I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 13

Noes 10

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

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (12.05), by leave: I move amendments Nos 1 and 2 circulated in my name together and table a supplementary explanatory statement to the amendments [*see schedule 1 at page 3496*].

Amendments agreed to.

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

Bill, as amended, agreed to.

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

### **Questions without notice**

#### **Canberra Hospital—comparative costs**

**MR COE:** My question is to the Minister for Health. Minister, how does the Canberra Hospital compare in terms of cost per procedure with its peer group hospitals?

**MS STEPHEN-SMITH:** That is obviously a question of some detail and I will take it on notice.

**MR COE:** Minister, do you have such comparison data and have you previously reviewed it and also how does the Calvary Public Hospital in Bruce compare in terms of cost per procedure?

**MS STEPHEN-SMITH:** I thank the Leader of the Opposition for his questions. Obviously there were multiple questions there. I am not entirely sure which ones he wants me to answer. I will take the detail on notice. There is obviously quite a lot of information in the incoming briefs which the opposition received under FOI about various comparisons with peer hospitals. But different procedures will cost different things. It would be helpful to get from Mr Coe some further information about the level of comparator that he would actually like.

**MRS DUNNE:** Minister, why can't you answer that question, and what work has been done by you and your agency to ensure that there are increased efficiencies?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the supplementary. As I have said a number of times in this place, when there is a question of a high degree of detail, I prefer to take the question on notice to ensure that I can provide a detailed answer to the Assembly. As I also just pointed out, it is not entirely clear to me which comparator the opposition is talking about. There is a group of peer hospitals, but there are also, obviously, public data around the national efficient price and the cost of Canberra hospital services, for both, I assume, Calvary and for the Canberra Hospital. I will take the detail of that question on notice.

### **Coombs—community hall**

**MS LE COUTEUR:** My question is to the Minister for Community Services and Facilities, and relates to the community hall which has been built as part of the Coombs childcare centre. Minister, this was approved as a community hall in the childcare centre development application but it is currently unused, according to my constituents. Why isn't it available for community use?

**MS ORR:** Thank you, Ms Le Couteur, for your question. In my incoming briefs, I have not been briefed specifically on that property, but I am happy to take it on notice and get back to the member with the information.

**MS LE COUTEUR:** Given that the Coombs hall is currently unused, why is the government proposing to repeat this approach with the Wright community facility site which is currently for sale?

**MS ORR:** Again, I will take the question on notice and answer it with the first part of the question.

### **Canberra hospital—security**

**MRS DUNNE:** My question is to the Minister for Health. A police firearm was discharged at the Canberra Hospital by a person in custody in July last year. On 16 September this year, it was reported that a person who was in police custody tried

to escape from the Canberra Hospital emergency department and that a wardman and a patient were injured in the incident. Minister, what lessons have been learned from these two incidents, one in July 2018 and one in early September this year?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the question. This was, of course, a serious incident. My thoughts are with the staff member and the member of the public who were injured in this incident. There are ongoing conversations within Canberra Hospital about security matters and working with staff to ensure that our security can be maintained.

Obviously, when a person is in the custody of police within a hospital and they try to escape, that is a significant and a dangerous situation. I want to commend the staff of the Canberra Hospital who worked really hard to ensure that patients and members of the public were protected to the greatest extent possible and, of course, police who re-apprehended the person.

**MRS DUNNE:** Noting that the minister did not answer the first part of the question, Minister, why have assaults on front-line hospital staff increased in recent years, what lessons have been learned from these two incidents, and have they been implemented?

**MS STEPHEN-SMITH:** Obviously the most recent incident was very recent, so an investigation into that would not have been finalised at this point in order to implement any lessons. I will take on notice in terms of the response to the incident in July 2018 what changes were made in response to that incident.

Members will be aware that occupational violence is a very significant issue and one that we take very seriously. Mrs Dunne talks about increased amounts of violence. That is a concern that we have. We also, though, have a culture of encouraging reporting. When we start to talk about these issues, when we start to encourage reporting, we often see numbers increase.

Canberra Health Services has an occupational violence strategy working group. The working group is chaired by the chief executive officer and meets regularly. It includes more than 80 managers and staff, WorkSafe ACT, and consumer and union representatives. The working group is responsible for the implementation of the occupational violence strategy across Canberra Health Services. CHS has also updated procedures relating to the classification of incidents to provide consistent and detailed data that can be utilised in occupational violence prevention strategies.

External consultants, Aspect Consulting, were engaged to assist Canberra Health Services in the development of the occupational violence strategy and associated tools based on international best practice, including the OV strategy itself, policies and procedures, an implementation plan and associated tools. These documents were received in mid-July 2019, and consultation has been conducted with staff, unions and consumers prior to endorsement. The occupational violence strategy is in the final stages of the endorsement process. It includes the following areas of focus: governance, prevention, training, response, reporting, support, investigation and staff/consumer awareness.

**MR WALL:** Minister, how are you dealing with the impact of the increase in use of illicit drugs, most notably methamphetamine, or ice, in incidents and assaults in health facilities?

**MS STEPHEN-SMITH:** I thank Mr Wall for the supplementary question. Again, I will take the detail on notice and come back to the Assembly with that. Obviously, along with the increasing presentations of acute mental health in the emergency department, there are some significant issues around the complexities of presentations within the emergency department that are a factor not just for the Canberra Hospital but for many hospitals across the country. Canberra Hospital, of course, has one of the busiest emergency departments in the country.

### **Government—climate change strategy**

**MADAM SPEAKER:** Questions without notice. Ms Cheyne.

**Mr Wall:** On a point of order, Madam Speaker, standing order 113A of our standing orders states that a member may ask a question without notice. I draw your attention to the fact that our standing orders are in fact silent on whether or not ministers, assistant ministers, parliamentary secretaries or special secretaries, however described, can or cannot ask questions. In line with standing order 275, our standing orders point to *House of Representatives Practice*. If I could draw your attention to *House of Representatives Practice* under the chapter titled “Questions”, notably questioners, it states that parliamentary secretaries or assistant ministers and the like are not able to ask questions during question time. That is the observed practice in the House of Representatives.

**Mr Barr:** Madam Speaker, on the point of order—

**MADAM SPEAKER:** When he finishes I will give you the call.

**Mr Wall:** I ask that you make a ruling on Ms Cheyne’s role as a special secretary and whether or not it is appropriate for her to ask questions, given the observed practice in the House of Reps.

**Mr Barr:** On the point of order, as I made very clear at the time, Ms Cheyne’s role is not in the executive and is not a parliamentary secretary role, deliberately on advice from the Clerk to ensure that this particular issue was not triggered.

**MADAM SPEAKER:** In response, I am allowing Ms Cheyne to ask a question. I am aware of the statements in *House of Representatives Practice* but I am also aware that other states have parliamentary secretaries as backbenchers who participate in committees and ask questions. As the Chief Minister has commented, the advice was very clear to allow Ms Cheyne to continue in her full role as a backbencher. Hence the title “special secretary”. I will be allowing her to participate in question time. Ms Cheyne.

**MS CHEYNE:** My question is to the Chief Minister. Chief Minister, can you please outline the key components of the recently released ACT government climate change strategy and how the ACT is leading the nation and the world to reach zero net emissions by 2045?

**MR BARR:** I thank Ms Cheyne for the question and, indeed, can advise the Assembly of the importance of this strategy and the emissions reduction path that it pursues. At its heart the strategy is around how we can reduce our energy usage and save money, how we can provide more support for consumers and how we can enhance our city's infrastructure to respond to a change in climate. The strategy outlines what government can do better, how we can be more efficient across aspects of our activity from school heating and cooling to public transport, to public housing, to government offices.

The strategy outlines action in close cooperation with the community. Many people in the community are already taking personal action. Others will do so at their own pace. The time frame here is over more than 2½ decades. We take this action in close cooperation with the community. It is a strategy that brings every Canberran along and leaves no-one shouldering the burden without benefits from a clean energy future. Many of the actions in the strategy deliver other improvements, importantly day-to-day cost savings for households, more comfortable homes to live in and a more liveable city for Canberrans, as well as an economic boost by attracting research, investment and job opportunities.

In a fortnight's time our final contracted wind farm will switch on, the last step to achieve our 100 per cent renewable electricity target for the ACT by 2020. This is an important achievement for our city and one that is worth recognising. *(Time expired.)*

**MS CHEYNE:** Chief Minister, why is a just and supported transition for workers such an important part of the strategy?

**MR BARR:** This is an essential component of the government's strategy. We recognise that achieving the emissions reduction task over the coming 2½ decades is only possible with widespread community support. That also means working closely with workers as we manage the transition to a clean energy economy. We will as a government work actively to retrain our own workforce. A very practical example of this will be that as we transition our public transport fleet to electric-powered or hydrogen-powered vehicles we will work with our mechanics to ensure that they are properly trained to work on the new fleet. We will also work with the private sector to identify opportunities for workforce retraining to keep jobs in Canberra and, importantly, to train people for new industries.

Low income households will be disproportionately affected by climate change. We need to help them. That is why we are taking practical steps to improve household comfort and city-wide amenity, from incentives to switch to lower cost heating and cooling to more trees in our public spaces.

The government has set out a clear and comprehensive plan to tackle climate change while supporting our workforce and our households in this multi-decade transition. Canberrans overwhelmingly support this approach, and we would hope that those opposite can get over their juvenile and childish initial response to this strategy and support it, as they feigned their support for previous initiatives.

**MS CODY:** Chief Minister, how have the ACT's progressive climate policies impacted the broader local industry sector?

**MR BARR:** Through the innovative reverse auction processes for procurement of renewable energy, the ACT government has attracted more than half a billion dollars in investment in the Canberra region. We see around two gigawatts of renewable energy being managed by companies in our city. Our actions have attracted new investment from industry leaders and created new local jobs.

I think it is worth observing that in spite of having only 1.7 per cent of the national population, we have nearly 3½ per cent of the nation's renewable energy sector jobs. We have been able to capitalise on new local industry expertise and partner with higher education and research institutions to promote further industry development.

Most recently, Minister Gentleman announced a \$1.5 million investment through the priority investment program to support a laboratory at the ANU to develop and test renewable technologies to ensure that they work effectively and are able to be reliably distributed into our city's power grid.

Our leadership on renewable energy means that our local sector will continue to grow and will continue to create and support more jobs and more opportunities for Canberrans into the future as we transition to a zero emissions economy over the next 2½ decades.

### **Health—departmental bullying**

**MS LAWDER:** My question is to the Minister for Health. Minister, which areas of ACT Health and Canberra Health Services have the worst record relating to bullying, harassment and abuse of staff?

**MS STEPHEN-SMITH:** I thank Ms Lawder for the question. Again I will take the detail of that on notice, in terms of the data that is available, but I do want to emphasise that Canberra Health Services supports a positive culture, and there is a lot of work underway in relation to this, not only with what I have just talked about in my other response in relation to occupational violence, but also with the implementation of the nurses and midwives towards a safer culture strategy.

In December 2018 the former Minister for Health and Wellbeing and the Minister for Mental Health launched the directorate's strategy to improve the workplace health and safety of nurses and midwives. The strategy outlines the vision for an ACT public healthcare system where staff, patients and visitors are protected from harm and feel safe at all times. It is being led by the directorate and includes Canberra Health

Services, the University of Canberra Hospital and Calvary Public Hospital, Bruce. It includes engagement with nurses, midwives and executives across the three workplaces, continuing to raise awareness of the strategy.

A steering committee has been established, chaired by the chief nursing and midwifery officer, to provide governance for decision-making, project direction and monitoring project deliverables. To date interactive consultation sessions with 126 nurses and midwives from across Canberra Health Services, the University of Canberra Hospital and Calvary Public Hospital, Bruce, have occurred to inform the implementation of the strategy.

This is just one element of our response to the important work that is ongoing across both the ACT Health Directorate and Canberra Health Services to build a strong culture within both the directorate and Canberra Health Services around the safety of staff at all levels, whether that relates to bullying and harassment or occupational violence. I will be providing an update to the Assembly next week in relation to the implementation of the 20 recommendations of the culture review. *(Time expired.)*

**MS LAWDER:** Minister, why have the past efforts over many years of ACT Health and now Canberra Health Services to clean up problems with bullying, harassment and abuse of staff failed?

**MS STEPHEN-SMITH:** I thank Ms Lawder for the supplementary question. I think it was very clear in the final report of the independent review into workplace culture within ACT public health services, which was tabled in this place on 16 May, that some of these issues were longstanding issues. Again, they are not actually uncommon issues across health services. That is why the expertise of the panel who undertook the review, led by Mick Reid, was so important: because they had had experience in seeking to address these issues in other jurisdictions. This is not an issue that the ACT is addressing alone.

The government has reaffirmed its steadfast commitment to the implementation of all 20 recommendations made by the independent review. Just the week before last I chaired the latest meeting of the culture review oversight group and we received a report on the implementation of many initiatives across the directorate but particularly within Canberra Health Services, including the values work that is being done across the directorate and in Canberra Health Services about refreshing the values and building a joint understanding of the behaviours that are expected from staff, empowering staff to report when there is behaviour that is not in line with the values and behaviours that have been articulated, and ensuring that human resources areas are available and strengthened. The engagement of a new employee advocate has been welcomed across both the directorate and Canberra Health Services as a place where staff can go to get clear guidance on how to report to express their concerns and to provide a pathway to the leadership.

**MRS DUNNE:** Minister, will you table the letters sent by the chair of the independent review panel to the CEO of Canberra Health Services and the Director-General of ACT Health about the problem areas across those two agencies by close of business today?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the supplementary, but no, I will not. This has been the subject of ongoing conversation about the need to ensure that staff in those areas that have been identified are supported to address the cultural challenges in those areas. They will not be supported by those areas being identified and subject to further public scrutiny and debate about those particular issues. Work is going on across all of those areas, and I am briefed by the CEO of Canberra Health Services and the Director-General of the Health Directorate about that work. There is a lot of detailed work going on, but that work must be done in a way that is supporting staff who are affected, and not drawing out, identifying and potentially vilifying particular areas of Canberra Health Services where we know that staff are doing their very best to support patients and there is a lot of work going on to improve the culture in those areas, addressing their specific issues that have been identified.

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

**MRS JONES:** My question is to the Minister for Health. It has been reported today on social media that maternity services at the Canberra Centenary hospital have been on what is described as bypass, with women being discouraged from turning up for help and being turned away if they do. Minister, has the Centenary Hospital for Women and Children put in place initiatives to discourage women from seeking assistance? If so why?

**Mrs Dunne:** Including advising them to cross their legs.

**MRS JONES:** Cross their legs?

**Mrs Dunne:** Yes.

**MS STEPHEN-SMITH:** I thank Mrs Jones for the question. I am aware that there has been one occasion recently when maternity services at the Canberra Hospital were put on so-called bypass. One woman in early labour was transferred to the Calvary hospital. My understanding is that this has not occurred just recently, as has been reported in the media. I have sought further information from Canberra Health Services in relation to that matter.

**MRS JONES:** Minister, are all delivery suites currently available for use or are some of them offline for maintenance?

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

**MRS DUNNE:** Minister, is Calvary Public Hospital, Bruce putting in place similar initiatives to discourage women from seeking assistance? And if there is a problem with the provision of services, are you looking to outsource to, say, the private maternity providers to provide backup?

**MS STEPHEN-SMITH:** No. It is my understanding that there is no such strategy at Calvary. Of course, what we are seeking to do in maternity services is develop a coordinated territory-wide response. That is why, very shortly, from 31 September,

there will be the maternity access strategy in place to better coordinate and provide better information for women who are having a baby in the ACT about what services are available and to support them to identify the most appropriate place and pathway for them to progress their journey, with their midwife, with their doctor, in partnership with their general practitioner if that is their preferred option, and between Calvary Public Hospital, Bruce and Canberra Hospital, both of which provide excellent maternity services. There has recently been the refurbishment of Calvary maternity, which I had the opportunity to visit last week.

**Mrs Dunne:** Point of order.

**MADAM SPEAKER:** Minister, resume your seat.

**Mrs Dunne:** Part of the question was specifically about whether the minister was considering outsourcing to private providers. I would like her to be directly relevant to that part of the question as well.

**MADAM SPEAKER:** The trouble is, Mrs Dunne, that when there are multiple parts to a question, the minister has two minutes to answer as they see fit. She is being relevant to the topic.

**MS STEPHEN-SMITH:** I thank Mrs Dunne. No, I am not considering outsourcing to private providers. What I am considering doing, and what we will be doing from the end of September, is improving the information that is available to women who are having babies in the ACT about the excellent public services that are available at both Canberra Hospital and Calvary Public Hospital, Bruce.

### **Environment—conservation**

**MS CODY:** My question is to the Minister for the Environment and Heritage. Minister, what is the government doing to protect the environment in our bush capital?

**MR GENTLEMAN:** I thank Ms Cody for her interest in the environment and in Canberra in general. The government is committed to environmental conservation. We are very lucky to live in our bush capital, surrounded by parks and wildlife that all Canberrans can enjoy.

Important species are being protected in our reserves through careful management and innovative restoration practices. We have extended and improved habitat for the pink-tailed worm-lizard and have been restoring the threatened ecological species of the box-gum woodland. Some of the biggest, best connected, most botanically diverse examples of their type, ACT woodlands are nationally significant. We have retained over a third of original woodland, much of which is protected within our many nature reserves. There are some 10,000 hectares of lowland grassy woodland in our nature reserves, with over 2,000 hectares added under the current Labor government since the commencement of the woodland conservation strategy.

I want to thank the hardworking staff at EPSDD, including those within our parks and conservation service, for their dedication to protecting and enhancing our bush capital. An experienced government works with these experts and listens to their advice. What we do not do is to talk people down in our public service, attack their jobs and pretend that you know better than the experts. This is the Mr Tony Abbott playbook—

*Opposition members interjecting—*

**MS CODY:** Minister, how is conservation in the ACT contributing to the local community?

**MR GENTLEMAN:** By working to protect the environment, we are helping to enhance our bush capital. Many Canberrans live close to green spaces, with the average Canberran living 977 metres from a nature reserve, national park or pine forest. Indeed I am informed that no Canberran lives further than 3.5 kilometres from these areas.

This government also supports living infrastructure in our region, particularly through the healthy waterways projects, natural resource management and the parks and conservation service. Our EPSDD staff are also responsible for park assets like trails, lookouts and other public amenities, which have a combined value of \$250 million. These investments enhance and promote our city.

By preserving and protecting our environment, we are also helping to grow our economy. The construction of the new Mulligans Flat learning centre, supported by a \$1.6 million investment in funding from this government, will help to deliver 36 jobs during construction and another 120 jobs with flow-on employment. When the centre is up and running, there will be 12 new positions to help to manage the centre. The construction of this new learning centre, along with other jobs, also helps to bring visitors to our fantastic city, helping other businesses throughout the city.

Madam Speaker, if you care about our city and if you care about the bush capital then you do what this government is doing. Inexperience means looking out of your window and choosing a piece of open land for development without understanding the ecological impacts. We cannot allow reckless development if we are to retain our bush capital. Mr Parton has already suggested bulldozing Kowen Forest and west Murrumbidgee, depriving Canberrans of the natural spaces that they so highly value.

**MRS JONES:** Minister, how is the building of housing on the nature reserve at the end of Coombs, known by residents as Coombs peninsula, protecting the pink-tailed worm-lizard that that reserve was intended to protect?

**MR GENTLEMAN:** That is a very good question, Madam Speaker, and I thank Mrs Jones for it. It is a very important piece of work in our nature reserves to ensure that we can protect our native species. A great deal of work was done by EPSDD and our parks people to ensure that we can set aside hectares and hectares of land to ensure the safe habitat of the pink-tailed worm-lizard, and I congratulate EPSDD for the work that they do.

**Aboriginals and Torres Strait Islanders—emergency treatment**

**MR MILLIGAN:** My question is to the Minister for Health and Minister for Aboriginal and Torres Strait Islander Affairs. What proportion of Aboriginals and Torres Strait Islanders who present to an emergency department with a condition that required urgent treatment were treated within a clinically appropriate time in 2018-19?

**MS STEPHEN-SMITH:** I will take that question on notice. Thank you, Mr Milligan, for the question.

**MR MILLIGAN:** Given that that question has been taken on notice, maybe this question could also be taken on notice: how does the figure, when you find out, compare with the national average for timely treatment for Aboriginal and Torres Strait Islander patients who require attention urgently?

**MS STEPHEN-SMITH:** I thank Mr Milligan for the supplementary question. I think the timely treatment of Aboriginal and Torres Strait Islander people who are treated in our emergency department will be related, obviously, to the treatment of the general population in terms of timeliness for those who appear in our emergency department. The opposition is well aware that the quarterly report released on Friday indicated that we were not meeting some of our timeliness targets in relation to those figures.

As I pointed out in releasing that report, comparing our health system, particularly our emergency department, with interjurisdictional or national systems is not an apples-with-apples comparison. That is because our system does not just treat all ACT residents; it treats the sickest people from the surrounding regions.

Our patient load is one of significantly greater complexity than a comparison with a whole jurisdiction elsewhere, and I think we can see this in the emergency department figures for 2018-19. When we compare them with 2017-18 not only do we see an increase in emergency department presentations across the hospital system to more than 149,000 presentations in 2018-19 but what we see is a significant increase in category 1, category 2 and category 3 patients. But we saw a decrease in semi-urgent and non-urgent patients, which I think speaks to the fact that Canberrans are understanding that if it is a non-urgent matter they have alternatives like our fantastic network of nurse-led walk-in centres. But it does not mean a higher level of acuity in our emergency department.

**MRS DUNNE:** Minister, I presume you will take this on notice as well. How does the figure for members of the Aboriginal and Torres Strait Islander community who present to emergencies with a condition requiring urgent treatment compare with the ACT average of all people requiring urgent treatment?

**MS STEPHEN-SMITH:** I thank Mrs Dunne but I conform that I will, indeed, take that question on notice.

*Mrs Dunne interjecting—*

**MADAM SPEAKER:** Mrs Dunne, you have had your question.

*Mrs Dunne interjecting—*

**MADAM SPEAKER:** Mrs Dunne!

*Ms Stephen-Smith interjecting—*

**MADAM SPEAKER:** Minister and Mrs Dunne, enough!

### **Hospitals—emergency department performance**

**MRS KIKKERT:** My question is to the Minister for Health. What proportion of patients who presented to an emergency department in the ACT were seen within a clinically recommended time in 2018-19?

**MS STEPHEN-SMITH:** As I am sure Mrs Kikkert is aware, this information is provided in relation to specific categories. I can advise the Assembly that for resuscitation, category 1, patients 100 per cent were seen on time in 2018-19. For emergency, category 2, patients 74 per cent were seen in relation to the clinically recommended time. For urgent patients, category 3, the figure was 32 per cent; for semi-urgent, category 4, the figure was 47 per cent; and for non-urgent the figure was 83 per cent.

**MRS KIKKERT:** What advice have you been given about the number of patients who have presented to an emergency department so far in 2019-20 being seen within a clinically recommended time?

**MS STEPHEN-SMITH:** I receive advice every day in relation to this matter.

**MRS DUNNE:** Minister, what proportion of patients classified as urgent were seen within the recommended time of half an hour in the period recently reported upon?

**MS STEPHEN-SMITH:** As Mrs Dunne has indicated, this was recently reported on, so she knows very well that the answer is 28 per cent.

*Mrs Dunne interjecting—*

**MADAM SPEAKER:** Mrs Dunne, you have asked your question.

**Mrs Dunne:** What's the target?

**MADAM SPEAKER:** Mrs Dunne, enough.

**Ms Stephen-Smith:** You did not ask me what the target was, Mrs Dunne.

*Opposition members interjecting—*

**MS STEPHEN-SMITH:** Madam Speaker, can I just make the point that, where I have the numbers in front of me, there are many numbers reported in relation to the health system. Indeed, when we report our quarterly report, we are drawing from 130 performance indicators that are recorded across a variety of different formats. The idea that I am going to have in my head or on a piece of paper in front of me every single number accurately presented to today when Mrs Dunne put out a meme this morning that did not even have the most up to date or accurate number for the things she was talking about! She had a March 2019 number that was not even right.

*Opposition members interjecting—*

**MADAM SPEAKER:** Mr Wall! Mrs Dunne!

*Opposition members interjecting—*

**Ms Stephen-Smith:** They get updated every quarter, Mr Wall.

**MADAM SPEAKER:** Minister, there is no need to respond.

*Mr Wall interjecting—*

**MADAM SPEAKER:** Mr Wall, next time you do that I will warn you.

**Ms Stephen-Smith:** Oh, my God, you truly don't understand data!

*Opposition members interjecting—*

**MADAM SPEAKER:** Members!

*Opposition members interjecting—*

**MADAM SPEAKER:** Mr Wall, one more and you are warned. Minister, I do not want to have to warn you either.

**MS STEPHEN-SMITH:** Apologies, Madam Speaker.

### **Justice—data reporting systems**

**MR HANSON:** My question is to the Attorney-General. Attorney-General, we have been asking for many years for information regarding reporting systems in the ACT justice system, particularly for offenders who re-offend whilst on bail or suspended sentences, for example, how many individuals are re-offending and what is the nature of their crimes or alleged crimes if they are re-offending on bail. We have been repeatedly told—this goes back a decade—that the system that is being developed would allow this reporting but that you are yet to see any reports of this nature. Attorney-General, when will this reporting system be functional?

**MR RAMSAY:** I thank Mr Hanson for his question. It is an important matter. There is obviously, as we have talked about in the past, a complexity about the gathering of that particular data. That reporting system is being worked on across the court system and across Policing. There is a specific project that is also working on that. I look forward to receiving that data and making that available in the near future.

**MR HANSON:** I note that that is the same answer I have received for a decade. Attorney-General, is the data that is currently being collected going to be included in the system? Will we get historical data, or only start recording information once this system is finally completed?

**MR RAMSAY:** As I said, there is a complexity around the gathering of that data and at what stage it will commence. In terms of moving into the future—

*Opposition members interjecting—*

**MR RAMSAY:** It is always good to have the editorial comments that are being offered from the other side. What we will do is—

**Mrs Dunne:** We can say “I have no idea” a lot more quickly than you can.

**MADAM SPEAKER:** Mrs Dunne, one more and you will be warned.

**MR RAMSAY:** Moving beyond the editorial comments, I will provide the information to the Assembly and to the public when it is available.

**MISS C BURCH:** Attorney, how can the justice system operate effectively without this information being available not just to the Assembly but to the courts and police themselves?

**MR RAMSAY:** The justice system operates extremely effectively. I am very pleased with the way that our justice system is working with our prosecutors, with the police, with Legal Aid and with other community legal centres, and the work done by the ACT courts and tribunals themselves. It works very effectively because we have extremely committed, extremely knowledgeable people who are working for the betterment of Canberra.

### **Schools—renewable energy**

**MR PETTERSSON:** My question is the Minister for Education and Early Childhood Development. Minister, how is the ACT government providing renewable energy at schools in the ACT?

**MS BERRY:** I thank Mr Pettersson for the question. The ACT government is committed to carbon emission reduction in our growing city. Every single public school in the ACT—all 88 of them—has rooftop solar panels. This represents a total of 2,356 kilowatts of solar photovoltaic rays. In general, primary schools have 10-kilowatt systems, high schools have 20-kilowatt systems and colleges have

30-kilowatt systems. All new schools constructed since 2012 have 100-kilowatt systems. A total of 2,620 megawatt hours of electricity is produced annually by the Education Directorate's solar power systems. This network of solar power is contributing to the ACT's commitment to 100 per cent renewable energy by 2020.

The new Margaret Hendry School, designed and built during 2017 and 2018, is the first all-electric ACT public school. This enables the school to support the ACT's transition to 100 per cent renewable electricity by 2020 and produce zero emissions in its operations. The school integrates sustainable design features including 100-kilowatt solar panels to reduce demand on the electricity grid and school energy costs, automated led lighting with integrated motion sensor control to save power, double glazing to reduce the need for heating and cooling, electric-booster hot-water to provide low cost zero emission hot-water, external shading to keep learning environments naturally cooler, an air-conditioning system which transfers heat from one end of the building to another part to improve energy efficiency, as well as a cooling system that flushes cool night air into the school buildings during summer to reduce the need for cooling during the day. The Margaret Hendry School shows that buildings that use only electricity are perfectly feasible as well as comfortable and economical. *(Time expired.)*

**MR PETTERSSON:** Minister, how is the ACT government increasing solar power generation at schools in the ACT?

**MS BERRY:** The ACT government continues to increase solar power generation across public schools. For example, Mount Rogers Primary School is installing solar car park lighting as part of its car park upgrades in the September school holidays.

An expansion of solar power systems in public schools is being planned across the ACT. Chapman Primary School, Monash Primary School and Caroline Chisholm School's senior campus will all expand their solar power systems to 100 kilowatts. In addition, Mount Stromlo High School is expanding its solar power system to 200 kilowatts, while also transitioning from gas to electric heating. These projects combined will make a significant reduction in the schools' carbon footprint.

Of course, all new public schools in the ACT will continue to be designed with environmental sustainability front of mind, including rooftop solar panels. The new school in Molonglo Valley will be the ACT's second carbon-neutral school, following in the footsteps of Margaret Hendry School. The school is set to open at the beginning of 2021 and will use technologies that maximise the efficient use of electricity in addition to generating renewable energy onsite.

**MR GUPTA:** Minister, how else are ACT schools contributing to the reduction of carbon emissions?

**MS BERRY:** Building on the government's \$85 million public school infrastructure upgrades election commitment, there are so many ways that ACT public schools are reducing their carbon footprint and making these schools better places to be. Last year the Education Directorate completed draught-proofing indoors in 21 schools across the ACT, helping to reduce heating requirements.

The government also allocated \$18 million in the 2018 budget to a roof replacement program. Roofing upgrades will see poorly insulated roofs upgraded to R4 insulation. These upgrades decrease gas consumption and can reduce emissions by 20 per cent. They will also reduce air-conditioning requirements in summer.

Lighting upgrades are another way for schools to improve energy efficiency. Lighting audits have been conducted at 11 schools to inform possible future upgrades. Last year, Caroline Chisholm School's senior campus, Gold Creek senior school, Melba Copland Secondary College and Florey Primary School all received LED lighting upgrades. Dickson College, Gowrie Primary School, Mount Stromlo High School and Charnwood-Dunlop School will all receive LED lighting upgrades in their halls and gyms before term 1 in 2021.

All of these initiatives help to reduce carbon emissions across ACT public schools and make these schools more comfortable places for teachers to teach and for students to learn. The ACT government is committed to doing the heavy lifting when it comes to action on climate change so as to lessen the impact on Canberra families.

### **Schools—Hawker Primary School**

**MR WALL:** My question too is to the Minister for Education and Early Childhood Development. Minister, some parents only found out about your decision to expand Hawker Primary School by adding a demountable building through the Access Canberra newsletter. Minister, why did the government decide to expand Hawker Primary School and add a demountable without consulting with parents, local residents or the broader school community?

**MS BERRY:** Since that process was conducted, I have met with the Hawker Primary School P&C and school board. The school board and the P&C have had a good conversation with me about the use of space at Hawker Primary School and have decided that they are satisfied with the way they use the space in Hawker Primary School and are not in need of a new transportable learning space at this time. So I have listened to the community, and that new transportable will be used in another space.

*Opposition members interjecting—*

**MS BERRY:** It is wonderful to have the opposition laughing at me when I am responding to a question that they have asked. Yes, the Education Directorate would normally have spoken to the school about these kinds of decisions. In this case it did not happen. The director-general apologised to the school, the board and the P&C and, as I have said, I have met with the school community and we are now in a situation where the school community is happy that the government listened to them and at the moment are happy and satisfied with the way they use their school spaces.

**MR WALL:** Minister, how can parents at a school community trust you or the government to consult with them moving forward on this incident given the gross miscommunication in the first announcement and the track record of doing this repeatedly?

**MS BERRY:** Calm down, Mr Wall; it is not a gross miscommunication. It is a situation—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, allow the minister to answer.

**MS BERRY:** It is a situation that has been resolved. The school community is happy now that the government has listened to them. We have moved on now to the next part of making sure that Hawker remains an excellent school.

*Opposition members interjecting—*

**Mr Wall:** Too arrogant to learn anything.

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

**MADAM SPEAKER:** Yes, minister.

**Ms Berry:** You were just about to warn Mr Wall about his continuous interjections. Just then, he described me in a way that I believe is unparliamentary.

**MADAM SPEAKER:** Mrs Jones on the point of order.

**Mrs Jones:** On the point of order, earlier in the debate the minister told us to all calm down after asking a calm question. If a woman in this place was told to calm down, there would be no end of trouble.

**MADAM SPEAKER:** Thank you Mrs Jones. You are just a hair's breadth away from being warned, Mr Wall. Mrs Kikkert.

**MRS KIKKERT:** A supplementary—

**Mr Coe:** On a point of order, Madam Speaker, can you please expand on your advice? Was that to Mrs Jones, in relation to her comment?

**MADAM SPEAKER:** No, I accepted Mrs Jones's comment. I was not making any further ruling on that. I was reminding Mr Wall about how close he is to being warned.

**MRS KIKKERT:** Minister, why did some parents have to find out about your decision through reading the Access Canberra newsletter?

**MS BERRY:** I refer the member to my answer to Mr Wall's first question.

### **Chief Minister—special secretary role**

**MR PARTON:** My question is to the Chief Minister. Chief Minister, on 26 August you elevated Ms Cheyne to the new role of your special secretary, focusing on

ethanasia and issues of consumer affairs. Does this role come with any additional salary? If so, how much more will Special Secretary Cheyne be paid for her promotion?

**MR BARR:** No, no additional salary.

**MR PARTON:** Chief Minister, does this role come with an additional office staff allocation and, if so, how many more staff will Special Secretary Cheyne be allocated as a result of her promotion?

**MR BARR:** No, no additional staff.

**MISS C BURCH:** Chief Minister, does the creation of this role demonstrate a lack of confidence in the actual minister for consumer affairs, Minister Rattenbury, or is it simply because of a need to mend the bruised ego of a member of your caucus?

**MR BARR:** I have to say no to both parts of Miss Burch's question. I must say that I am blessed on this side of the chamber with having so many talented members. It is indeed a challenge to ensure that everyone has the opportunity during their careers to serve in the executive government. Given the wonderful array of talent we have within the parliamentary Labor team, and indeed within the broader government, it is wonderful that Ms Cheyne is able to take on these additional responsibilities. I look forward to working with her to advance the ACT's democratic cause as it relates to the ban on our being able to legislate on end of life issues.

I refer also to the report that she delivered today and the unanimity of views within that committee under Ms Cheyne's leadership. I do note that the bipartisan tone that Mr Parton was seeking and talking about this morning has suddenly disappeared in question time.

### **Chief Minister—special secretary role**

**MISS C BURCH:** My question is to the Chief Minister. Chief Minister, as your special secretary, will Ms Cheyne sit in on cabinet discussions and be permitted to vote? If so, when? If not, what is the point of the role?

**MR BARR:** No, the role is not part of the cabinet or part of executive government. The role is as outlined in my media release at the time.

**MISS C BURCH:** Chief Minister, will Ms Cheyne be permitted to attend ministerial council meetings in your stead and is holding her out as a minister to cross-jurisdictional counterparts tantamount to misrepresentation?

**MR BARR:** Non-executive members have in the past represented ministers at ministerial councils. That has occurred, as I understand it, on both sides of politics over the past 30 years. Sometimes it is not physically possible to be in two or three cities at once, given that most ministers sit on numerous ministerial councils. There are no immediate proposals for Ms Cheyne to represent me at a ministerial council but should there be a significant diary clash that would require the ACT to be represented

and if another minister were not available then Ms Cheyne would be able to do so. Indeed, so would another non-executive member in that rare circumstance.

**MR COE:** Chief Minister, considering the role that committees have in this parliament, why do you allow Ms Cheyne to act as both a special secretary and also the chair of a scrutiny committee?

**Ms Cheyne:** What? I am not a chair of the scrutiny committee.

**MR COE:** A scrutiny committee; yes, you are.

**MR BARR:** The roles are not incompatible and I did seek advice in relation to this appointment. It is not unusual within Westminster systems for there to be non-executive roles or tasks. I note that it is very popular to mention in question time that former Prime Minister Tony Abbott was given a non-executive role. So, indeed, was a former deputy prime minister, Barnaby Joyce. I think they were special envoys, weren't they?

So it is possible for there to be specific tasks for a member to undertake. I think the line of questioning here certainly illustrates the lack of interest that those opposite have in pursuing the territory's democratic rights as they relate to end of life issues. Indeed, as members would know, Ms Cheyne has championed that cause, and her work on fuel pricing—the collaborative work with a couple of members sitting on the other side of the chamber—was lauded this morning by Mr Parton as a good example of how this parliament should work. This line of questioning is pretty low.

### **Waste—bulky waste collection**

**MR GUPTA:** My question is to the Minister for Recycling and Waste Reduction. Minister, can you please outline the government's plans to provide bulky waste collection services to all Canberrans?

**MR STEEL:** I thank Mr Gupta for his question. The ACT government is providing even better services for our growing city. I was very pleased last night to announce that we will be delivering a free bulky waste collection service for all Canberra households. In 2016 the Chief Minister promised a bulky waste collection service for all of Canberra. We are now delivering on our commitment. We are getting on with the job of delivering better services for Canberrans.

All Canberra households, including multi-unit properties, will be able to access the service, with households able to receive one free collection per year of up to two cubic metres. Bulky items collected include furniture and household appliances, whitegoods, metal products, and some building materials and tools.

The model chosen by the government will also preserve the cleanliness of our suburbs. Many councils across Australia are moving away from the suburb-wide council collection drop-off day and moving to a booking system. We have chosen to deliver a booking model that is currently used for the existing service that is provided

to concession cardholders. This ensures that items that are collected are not left at the front of properties for extended periods of time, reducing the risk of illegal dumping.

Services will start in Tuggeranong and Gungahlin from July next year, before expanding to Belconnen, Molonglo and Hall in the following year, Woden and Weston Creek in the year after that, and the inner north and inner south in the last year.

Staging the rollout in this way is important. We anticipate that demand will be high in the first year. As you would expect, after doing the first big clean-out demand will be high, and demand after that will stabilise over time. Staging it in this way ensures that the rollout of the service is smooth and allows for the provider to scale up to meet the demand.

Just as we have delivered better services through the staged rollout of our green bin collection service, a bulky waste collection service demonstrates that our government is delivering even better services for our growing city.

**MR GUPTA:** Minister, what benefits will this service provide to the Canberra community?

**MR STEEL:** The obvious benefits of the city-wide bulky waste collection services are that we are providing a popular free service that many Canberrans have been asking for. Instead of having to pay for private collections or pay to drop off material at the Mugga Lane resource recovery centre, Canberrans will be able to access a free collection service once per year.

We know that illegal dumping currently costs Canberrans around \$2 million per year to clean up. Many of the items that we see illegally dumped on the side of the road or in other locations are items that are able to be collected as part of this new service.

One additional key aspect of our collection model will be the implementation of an extension service where those unable or unwilling to carry bulky items to the front of their property from their house can have these items collected. We anticipate that this extension service will be free for concession card holders, with a small fee for other Canberrans.

The model will be delivered to maximise resource recovery rates for bulky waste. The bulky waste collection service is yet another example of how the ACT government is providing even better services. I know that Canberrans would like to see this service rolled out. Our government is getting on with the job. This was a service that the Liberals never committed to. If they were in government, it would never be delivered.

**MS CHEYNE:** Minister, what opportunities are there for local businesses to be involved in a bulky waste collection service?

**MR STEEL:** I thank Ms Cheyne for her question. The government has been engaging with local businesses as we prepare for the rollout. Since the announcement, several

engagement sessions have taken place between our NoWaste team and various businesses currently involved in the bulky waste collection industry.

The first of these sessions actually took place shortly before I made the announcement of the new service, with our NoWaste team holding a briefing for local businesses on the morning of 30 August. An additional session was also held for local industry the following Monday, 2 September, and a third briefing has been organised for this Friday, 20 September, at the renewables innovation hub in Turner. I encourage any interested industry stakeholders to attend.

Part of the purpose of these briefings is to provide information for local industry to learn more about the government procurement processes involved and the next steps for these businesses to get prequalified in order to apply for tenders. Through the procurement process we are also looking to strengthen criteria around engaging with local businesses and ensuring that more local secure jobs are provided for our region.

The rollout of the bulky waste collection service is progressing because our government is delivering on the commitment the Chief Minister made that we would provide this service to all Canberra households. We will be keeping local businesses updated as we progress the opportunities for them to be involved in a future service.

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

## Papers

**Madam Speaker** presented the following papers:

*A limited electronic voting option for electors who are overseas*—ACT Electoral Commission report to the Legislative Assembly, dated 11 September 2019.

Commissioner for Standards—Annual report 2018/2019, dated 31 August 2019.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(1)—Independent Reviewer—Report for the period 1 January to 30 June 2019, dated 21 August 2019.

Estimates 2019-2020—Select Committee—Answer to question on notice E19-207—Correction—Copy of letter from the Chief Minister to the Speaker, dated 26 August 2019.

Latimer House Principles—Review of the Performance of the Three Branches of Government in the Australian Capital Territory against Latimer House Principles, dated 8 September 2019—Prepared by John Halligan—Institute for Governance and Policy Analysis, University of Canberra, and Benedict Sheehy—Faculty of Business, Government and Law University of Canberra.

**Mr Gentleman** presented the following papers:

Administrative Arrangements—

Administrative Arrangements 2019 (No 2)—Notifiable Instrument NI2019-549, dated 23 August 2019.

Australian Capital Territory (Self-Government) Ministerial Appointment 2019 (No 2)—Notifiable Instrument NI2019-550, dated 23 August 2019.

Public Sector Management Standards, pursuant to section 56—Engagements of long-term senior executive service members—1 March to 31 August 2019, dated September 2019.

Freedom of Information Act, pursuant to section 39—Copies of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decisions not made in time—CYF-18/88, dated 11 September 2019.

Weekend bus service reliability—Action Plan—Response to the resolutions of the Assembly of 14 and 20 August 2019, dated September 2019.

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

Legislation Act, pursuant to section 64—

Cemeteries and Crematoria Act and Financial Management Act—Cemeteries and Crematoria (ACT Public Cemeteries Authority Governing Board) Appointment 2019 (No 1)—Disallowable Instrument DI2019-201 (LR, 22 August 2019).

Children and Young People Act—Children and Young People (Death Review Committee) Chair Appointment 2019 (No 1)—Disallowable Instrument DI2019-200 (LR, 15 August 2019).

Controlled Sports Act—Controlled Sports (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-196 (LR, 15 August 2019).

Gaming Machine Act—Gaming Machine Amendment Regulation 2019 (No 2)—Subordinate Law SL2019-22 (LR, 27 August 2019).

Magistrates Court Act—Magistrates Court (Lakes Infringement Notice) Amendment Regulation 2019 (No 2)—Subordinate Law SL2019-20 (LR, 19 August 2019).

Official Visitor Act—Official Visitor (Disability Services) Appointment 2019 (No 1)—Disallowable Instrument DI2019-202 (LR, 19 August 2019).

Rail Safety National Law (ACT) Act—Rail Safety National Law (Drug and Alcohol Analysts) Appointment 2019 (No 2)—Disallowable Instrument DI2019-198 (LR, 15 August 2019).

Road Transport (General) Act—Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 8)—Disallowable Instrument DI2019-203 (LR, 22 August 2019).

University of Canberra Act—University of Canberra (University Seal) Statute 2019—Disallowable Instrument DI2019-199 (LR, 15 August 2019).

**Weekend bus service reliability—Assembly resolutions**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (3.02): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Weekend bus service reliability—Action Plan—Response to resolutions of the Assembly of 14 and 20 August 2019.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Multicultural Affairs, Minister for Recycling and Waste Reduction, Minister for Roads and Active Travel and Minister for Transport) (3.02): I rise today to speak to the action plan on weekend bus service reliability that has been tabled. The ACT government acknowledges that at present the reliability of weekend bus services operated by Transport Canberra does not meet the expectations of Canberrans. With the implementation of the integrated light rail and bus network, Transport Canberra introduced a significant increase in weekend services compared to the previous timetable. This was in line with the principle to provide more weekend services more often.

Ahead of the introduction of the new network, Transport Canberra recruited an additional 60 drivers and reasonably expected to deliver a consistently reliable weekend service. However, due to a higher than anticipated rate of separation of drivers aligning with the new network and other factors such as the desirability of shift lengths and patterns for drivers volunteering for additional overtime, Transport Canberra has not been able to meet the expected level of reliability on the weekends.

There has been continuous work to improve the reliability of weekend services from the outset of the network and much of this action plan documents work that is already underway as well as new actions that have been identified through ongoing consultation with the workforce and input from the community. It is important to note that, despite the unacceptable reliability issues, the increase in services is working to bring more passengers into the network on the weekend, with around a 30 per cent increase in patronage year on year.

However, to maintain and grow the number of passengers on the weekend network the ACT government is committed to improving weekend bus reliability. This has meant that one action needed is an interim reduction in weekend services to guarantee reliability. This has clearly been the key focus of the Assembly and of media attention. The action plan outlines this action and that the interim network change will see more weekend services delivered than at the same time last year. The action plan sets out 10 short-term, medium-term and long-term actions under five broad themes:

- Bus driver recruitment—actions that are related to increasing recruitment of Transport Canberra bus operators and improvements to recruitment processes.
- Improving information for customers—actions that are related to providing better or more timely information to customers about services including cancellations or disruptions.
- Improving workforce planning—actions that are related to the implementation of a new workforce plan for Transport Canberra.

- Improving operational business practices—actions that are related to the potential changes to conditions of employment, work practices or other businesses processes for Transport Canberra, Transport Canberra staff, that would either encourage or require more bus drivers to work weekends or reduce the number of drivers required to provide the same level of service on weekends.
- Weekend timetable update—actions that are related to the implementation of a new weekend timetable with targeted reductions in services designed to allow weekend services to be delivered reliably and with incremental increases to services on weekends over time once reliability has been achieved.

The ACT government is confident that we are able to deliver against the action plan and I am pleased to announce today that over 250 applicants have applied to join the ranks of our driver workforce. The ACT government has committed to reporting back to the Legislative Assembly and to the community on a quarterly basis on the reliability of weekend bus services and progress towards implementing this action plan.

Question resolved in the affirmative.

## **Committees—standing Membership**

**MR ASSISTANT SPEAKER** (Mr Parton): Pursuant to standing order 223, the government whip wrote to the Speaker advising of proposed changes to the membership of a number of standing committees. The Speaker agreed to the following changes on 23 August 2019:

Ms Orr be discharged from the Standing Committee on Environment and Transport and City Services, the Standing Committee on Planning and Urban Renewal, and the Standing Committee on Economic Development and Tourism.

Mr Gupta be appointed to the Standing Committee on Economic Development and Tourism and the Standing Committee on Justice and Community Safety.

Mr Pettersson be appointed to the Standing Committee on Planning and Urban Renewal and discharged from the Standing Committee on Justice and Community Safety;

Ms Cheyne be appointed to the Standing Committee on Environment and Transport and City Services.

I present the following paper:

Standing Committees—Membership—Proposed changes—Copy of email correspondence between the Government Whip and the Speaker, dated 23 August 2019.

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

That the changes to the membership of the Standing Committees, as proposed, and agreed to by the Speaker, pursuant to standing order 223, be adopted.

## **Stromlo Forest Park**

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

**MR ASSISTANT SPEAKER:** Madam Speaker has received letters from Miss C Burch, Ms Cheyne, Ms Cody, Mr Coe, Mr Gupta, Mrs Kikkert, Ms Le Couteur, Mr Milligan, Mr Parton and Mr Pettersson proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Miss C Burch be submitted to the Assembly, namely:

The importance of coordinated planning for Stromlo Forest Park sport and recreation facilities.

**MISS C BURCH (Kurrajong) (3.08):** Stromlo Forest Park is a great place for many Canberrans who enjoy trail running, mountain biking, horseriding and many other recreational activities. It is an incredibly important community facility that offers a great outdoor sporting and recreation venue. Although it has been a long time coming, investment in its infrastructure and facilities, with the development of the new \$36 million leisure centre, is welcomed by the local community, especially Canberra's sporting communities.

But we need more investment and strong, coordinated planning to realise the full potential of Stromlo Forest Park. It has the potential to be a significant regional, and even national, sporting and tourism attraction if done right. This is why it needs a fresh plan and long-term strategy. The government has, over the past 10 years, gradually and very slowly made the additions of a gym, a bike track, a pool and playing fields, splurging cash on an ad hoc basis without any long-term vision for the precinct.

Just 15 minutes from Canberra's civic centre and my electorate of Kurrajong, we have a great facility. But beyond construction of these couple of additions, there is no clear indication from the government of where it is headed. The government has several separate strategies relating to cycle tourism and venues across the ACT, but no cohesive plan for Stromlo Forest Park. This demonstrates a clear lack of long-term planning for the area.

This uncertainty is faced by many local sporting groups right across the ACT. Whether it is in Woden, Dickson or Gungahlin, sporting clubs and groups need long-term funding certainty and an overarching plan and strategy with full and adequate consultation. Community sports organisations rely heavily on funding from government, and we constantly hear from local community groups about the difficulties that they face in trying to access money.

Consulting widely with sporting groups and tourism operators for a central visionary document for Stromlo Forest Park needs to be a priority for government. Reliable transport links, along with this vision, are incredibly important. One of the key recommendations of the estimates committee this year was for public transport to and from Stromlo Forest Park, something that the government, in their response to the estimates report, have remained silent on.

As the Chief Minister forces more and more Canberrans into high-rise apartments, outdoor community facilities become increasingly important. Having space to train dogs for run club meets and exercise is critical.

Activating the park so that it can live up to its true potential should be a priority. As the new facility gets up and running, the government needs to consult with existing sporting groups to deliver a longer term vision that meets community needs. As many local facilities, including Canberra Olympic swimming pool, fall into a state of disrepair, liaising with these groups and organisations to ensure that they are not forgotten and form part of not only a Stromlo Forest Park strategy but a city-wide sporting strategy is critical.

I thank Mr Milligan for all of the work that he has been doing in this space on behalf of the Canberra Liberals. Labor and the Greens invariably pursue big ticket vanity projects at the expense of the rest of the city, always virtue signalling instead of delivering real outcomes for Canberrans. It is important that in the process of consultation and designing a major strategy we do not leave these sporting groups behind and that we develop cohesive strategies for the park and sporting across the city.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.11): That was one of the more interesting MPI speeches I have seen in a while, delivered by a member who obviously did not really do any research or care much at all about the topic and who sat down inside three minutes.

Even a cursory googling of the Stromlo Forest Park website demonstrates the history of master planning and the work that has been undertaken with the community in relation to Stromlo Forest Park. That process began in 2009 and established a strategy and vision for the park, as well as aspirations for its future. Significant community consultation was undertaken at that time with sporting bodies, the wider community, local interest groups and other stakeholders.

That led to the creation of the 2010 master plan. That informed a number of decisions in relation to infrastructure location in the park, as well as significant government investment, some of which the member mentioned in her remarks. It is important to acknowledge that this is a long-term strategy for Stromlo Forest Park.

In 2015, following the first wave of infrastructure investment and the holding of major events like the world mountain bike championships at Stromlo Forest Park, we

committed to review and update the master plan in light of the success of the park over its first phase. This was a timely opportunity, considering the new and emerging opportunities in the park and the park's increased usage by residents in the Molonglo and adjacent precincts.

During the consultation period from 2015 through to February 2016, there were 744 responses received. A revised master plan was then developed. This is a far-reaching vision to facilitate the park's evolution into a highly utilised specialist centre for recreation and professional sports in Canberra. Cycling, equestrian, running and walking will remain the key activities within the park, but it will also become an integral recreation resource for residents of the surrounding region. The final master plan balances a range of new opportunities within the park whilst being considerate of the inaugural user groups.

We are seeking to expand the recreation offerings within the park. In her speech Miss C Burch alluded to the very significant investment in the Stromlo leisure centre and the commitment around the new Molonglo district playing fields. There has also been investment and development in the mountain bike trail network. Three new trails were constructed in the 2018-19 fiscal year and further trail development has been funded in the 2019-20 fiscal year. I was pleased to see that the Handlebar cafe and bike hire, from a structure from the old Westside lake side facility, has opened for business in the park and has quickly established itself as a popular pre and post ride coffee spot. How wonderful to see adaptive reuse, Mr Assistant Speaker.

We remain actively engaged with park users on future development harnessing Stromlo's potential. Earlier this year we undertook a market sounding exercise to identify potential commercial and community sector investment interest in parts of the park. Our focus was for the development of onsite accommodation and other recreation and tourism developments that would value-add and enhance the visitor experience. We are seeking feedback for the development or management of other commercial ventures which fit with the broader park master plan and vision.

We have recently established a formal consultative committee with representation comprising all main sporting disciplines that are using the park as well as representatives from various ACT agencies. The primary role of this committee is to assist with the strategic implementation of the master plan.

Stromlo Forest Park has a strong future. We look forward to continuing to build on the world-class facilities that are currently in place and to ensure that the venue remains a welcoming place for all Canberrans. The park is of international standard. Our vision is for it to be an active recreation park capable of hosting world-class events, whilst also providing a range of facilities and opportunities for everyone who lives in the immediate region, in broader Canberra and in surrounding New South Wales.

The venue boasts a purpose-built event pavilion, a criterium cycling circuit, integrated cross-country running tracks, equestrian trails and numerous mountain bike tracks to suit all levels of rider ability. There are numerous trails and pathways suitable for runners and walkers keen on exploring our city's natural environment. It is a venue

unique in that it is only 10 minutes from our CBD. There is no other major Australian city that boasts such extensive facilities in such a central and accessible location.

We are particularly focused on the delivery of the master plan to support healthy communities, active living. We know that this is an important part of the longer term agenda for our city.

The master planning process outlines the vision for the park into the future. The government continues to make its own investments in the park and to work closely with potential private and community sector partners in relation to new and emerging opportunities that are as diverse as onsite accommodation; management options for elements of activities within the park; and the partnership with those who are at the top of Stromlo Forest Park, the Australian National University, which has some fantastic facilities at the summit of Mount Stromlo.

In all, we have a clear vision and a clear process for engaging with the private sector, a process that has been well developed and well received. We look forward to making some further significant announcements for Stromlo Forest Park in the weeks and months ahead.

**MR RATTENBURY** (Kurrajong) (3.19): I am pleased to have a chance to talk about Stromlo Forest Park because it is a tremendous asset for this community. That is best demonstrated when you see developers in places like Denman, Prospect, Wright and Coombs advertising their land releases using images of mountain biking and similar sorts of things. That is a very practical example of just how much the community values that facility. If one goes out there not only on the weekends but even during the week to see the range of activities that takes place at Stromlo Forest Park it is very easy to recognise the value the community places on it. Be it runners, walkers, mountain bikers, dog walkers or people watching the kangaroos, there are plenty of things going on there.

It is also a terrific legacy of what was a dark and difficult event. Stromlo Forest Park was the scene of the enormous bushfire that struck this city in 2003, and the area was decimated. As someone who used to run through those trails when it was once a significant pine forest, Stromlo Forest Park is a very different place now than prior to 2003. It is terrific to see it turned into such a positive community place in light of those dark events.

That said, Stromlo Forest Park is in danger of being loved to death and requires additional investment over time. I note the comments of the Chief Minister, but Stromlo Forest Park is becoming quite busy and would benefit from an expanded trail network when it comes to mountain biking as well as additional infrastructure. New capital investment in Stromlo Forest Park could make a significant difference to its future.

The trail network has not been expanded for many years. Due to the proposed development of ovals at Stromlo Forest Park beginner tracks will soon be removed to reduce the overall trail network. Those beginner trails are really important in Stromlo Forest Park. There are obviously much more hard core tracks further up the mountain,

but those beginner trails enable it to be a family venue rather than just for the hard core mountain bikers. As we see more families and more females taking up mountain biking, having that gradation of tracks is a really important opportunity.

As I touched on, Stromlo would also benefit from additional infrastructure, essentially the initiatives proposed in the Stromlo Forest Park master plan such as accommodation, a new internal road circuit and similar things. This additional infrastructure would be a catalyst for new activities, events and tourism as well as benefiting our local community. New infrastructure will help Stromlo Forest Park attain a village atmosphere like ski resorts or bigger mountain bike parks in other countries. Anyone who goes up to Thredbo in the summer where mountain biking is very popular these days, as well as mountain running and the like, will appreciate what I am describing in terms of that village atmosphere. That sort of environment amplifies its attractiveness.

Renewed investment will help Canberra and Stromlo Forest Park regain its place as the country's premier destination for cycle tourism, especially mountain biking. In recent years other places have made substantial and material investment in their mountain bike trail infrastructure that has in some respects moved them ahead of Canberra when it comes to being the desirable place to go for mountain biking. It is a tremendous tourism activity for a city like ours, but places like Derby in Tasmania, Jindabyne, Thredbo and others have started to make these investments. For not a lot of money you can have a significant impact, and we certainly need to make sure that we keep Stromlo Forest Park as one of the pre-eminent destinations in Australia.

The building of a pool at Stromlo certainly opens up opportunities for a range of other activities, both swimming related and also multisport events such as triathlon, with which I have a history. That would allow events to take place entirely within the park, which for people who are nervous about cycling on open roads would be very attractive.

Accommodation at the site opens up a range of opportunities for increased tourism as tourists would be able to stay on the park. Additional infrastructure will lead to new community-led activities. That has certainly been demonstrated by the recent opening of the Handlebar and pump track at Stromlo. It is noticeably busier as a result of these activities, and that activity is centred around Handlebar. People are now organising social rides essentially to then eat or drink at the bar. Similarly, other events are making use of the Handlebar and pump track, such as the pump track challenge events. These are new activities spurred by the opening of new, relatively modest facilities that have clearly been embraced and welcomed by our community.

Improvements to Stromlo Forest Park should coincide with a renewed effort to attract major cycling events to Canberra. Previously, we have hosted prestigious world cup mountain biking events and could potentially host more in the future or we could host alternative cycling events such as the Sea Otter Classic.

I will reflect on a comment Miss Burch made in her brief remarks about public transport. Right now it is not possible to get directly to Stromlo Forest Park by public transport. With a lot of young people attracted to the facility, it is appropriate to have

public transport going there. As the city expands and suburbs like Denman Prospect and others further west in the Molonglo Valley receive increased levels of public transport we need to make sure that Stromlo Forest Park does not miss out and that we make it accessible for people who do not necessarily want to drive there or who do not have the fitness to ride all the way there. Some do, but it is not everyone's cup of tea.

We have a great asset and we need to make this facility as available to as many in our community as possible. I look forward to seeing the future plans for Stromlo Forest Park as they emerge in future budgets.

**MR MILLIGAN** (Yerrabi) (3.25): No doubt all of you have heard the saying that a camel is a horse designed by a committee. I feel we are at risk of making the Stromlo sporting precinct Canberra's proverbial camel. Officially opened in 2007, Stromlo Forest Park is already viewed as a high standard and in some areas world class multi-use recreational sporting facility. It offers wide variety to the community in terms of cycling, running, walking or even just exploring, and this site also has huge tourism potential.

Stromlo Forest Park currently has over approximately 160,000 users a year, and there is scope to increase this significantly. The facility also regularly holds lots of local events. But this facility could be so much more. It has enormous potential, but this government keeps missing the opportunity to make it a real asset for local sport and recreation and sports tourism. I look forward to the completion of the Stromlo aquatic and leisure centre, but I believe this is another missed opportunity.

After decades of talk construction of the \$36 million leisure centre has recently been commenced. Plans for an indoor pool at Stromlo have been talked about since 2010. In 2016 the minister promised to set aside funding for the pool and then, post-election, went through the process of consultation. It was good to see more funding allocated to include facilities such as a gym, a toddlers pool, a creche, more seating, change rooms and offices. These are welcome extras.

Having a combined gym and pool in Canberra is not a new thing, and it is reasonable for the Weston Creek and Molonglo communities to expect the same. It is disappointing that despite being asked to include a new indoor dive pool for Canberra, this request was ignored. The only dive pool in Canberra is located at the Olympic Pool in Civic and this outdoor pool can only be used four months of the year. It now has concrete cancer and is cracking and leaking very badly. I am advised that this pool is leaking 30 kilolitres a day. This is not a small amount—30,000 litres. This equates to an average rectangular pool leaking out every day.

The location and outdoor nature of the dive pool is perhaps not the best for the diving community given our climate. Why does this government under the current and former ministers for sport and recreation keep overpromising and underdelivering for the diving community in the ACT? I ask this in relation to Stromlo because both of these sports ministers have made noise about building something out there for diving, but both have failed to deliver.

It is the same story for mountain bike trails. Stromlo used to be regarded as a world-leading venue. It hosted the championships in 2009. In fact, a local mountain bike enthusiast even hand built a new track to help keep things interesting. The new trail is called the Three Amigos and is about 750 metres long. Feedback so far from riders has been overwhelmingly positive.

There is a role here for government, and this sport deserves more investment. Note what other jurisdictions are doing: New South Wales and Western Australia have realised the tourism benefits of mountain biking and have well and truly overtaken Canberra with new developments. It was great to hear Minister Rattenbury recently calling for more investment. I just hope that this is not more empty promises, as the mountain biking community deserves proper planning and recognition of their sport.

That is why I am so pleased to speak on this MPI today. Stromlo Forest Park deserves to be treated as a premier facility, one that has long-term vision and a plan for the future and one that incorporates all the different sporting needs of the local communities and the potential for sports tourism in the ACT.

The recent announcement of \$200,000 to design and plan district playing fields is further evidence that the government's approach to sport and recreation is fundamentally flawed. To spend \$200,000 on just a design phase seems excessive. Pools and playing fields have been constructed elsewhere in the ACT. Surely we can leverage off that work. In my electorate of Yerrabi we have the Taylor playing fields and the construction of the home of football at Throsby. Both are major developments and hopefully with good planning and design elements that could inform the Stromlo project.

I do not understand why this government continues to waste money when they have skilled, capable public servants who could undertake this work based on previous successful models across the ACT. Also, the government have not made clear who the intended users of these playing fields will be. Which codes or clubs do they have in mind, and have they been consulted? There is a need for being open and transparent about the process, especially when spending \$200,000 on design works alone.

My final point is to the question of why the government continues to undertake projects in isolation. Clearly other sport and recreation works are needed at Stromlo and across the surrounding region. It seems like a waste of time and energy to keep approaching these projects on a piecemeal basis.

We have seen the government go out to the market on accommodation options for Stromlo, and this is on top of the project for a pool, a gym, a bike track and now playing fields. If the government would stop spending taxpayers' dollars on separate ideas and actually undertake proper holistic planning I am sure we would get better outcomes.

We should not forget the other needs of the communities in and around Stromlo. The Woden Community Council has been advocating for years for an indoor sports facility. They submitted an excellent proposal to the government, and we all waited to

see what the indoor sports facility report promised in 2016 would deliver. We got nothing. We got a recommendation for more reports and a business case.

Whether it is Stromlo Forest Park or any other sporting assets in the ACT, I wonder why this government cannot look past its own nose and plan beyond an election cycle. As the subject of this MPI states, proper and coordinated planning is needed to cater for the residents in that region and the wider Canberra community. I thank Miss Burch for bringing this important matter to the Assembly.

**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) (3.32): The ACT government has a strong record of investing in the delivery of sport and recreation facilities across the ACT. This supports the ACT having the highest levels of sport and physical activity participation in the country. Officially opened in 2007, Stromlo Forest Park is world-class. It is a world-class multi-use recreational sporting facility available to both recreational and sporting groups. Stromlo Forest Park currently boasts a purpose built event pavilion, a 1.2 kilometre road criterium cycling circuit, a 2.5 kilometre cross-country running network, a network of equestrian trails and over 40 kilometres of mountain bike trails suitable for riders of all abilities.

Planning for sporting facilities and infrastructure in Molonglo, including Stromlo Forest Park, has been developed over a number of years. As the suburbs in the area take shape, the focus will shift to delivering new sporting facilities for this growing community. Various elements of Stromlo Forest Park are well developed, while others, such as the Stromlo leisure centre, are currently under construction.

Members will know that the government committed \$33 million under the 2016-17 ACT budget to deliver a 50-metre pool and learn-to-swim pool in Stromlo Forest Park. That is on track to be completed towards the end of 2020. Government consultation with the community and stakeholders in January 2017 provided over 700 submissions, including detailed consultation with 11 sporting groups. Based on the feedback received, the ACT government committed an additional \$3.6 million to fund the Stromlo leisure centre project, which also delivers a health club, leisure pool, toddlers park, splash park and increased seating capacity.

The facility will serve a catchment of approximately 100,000 people in Weston Creek, Woden and the Molonglo Valley once it is fully developed. A sod turning event marked the start of construction of the Stromlo Leisure Centre on 13 September 2018, which coincided with the commencement of the bulk earthworks.

The project is progressing well. Concrete structures for the pools are complete, roofing beams are installed and the roof over the pool hall is just about completed. The procurement process to engage an operator to manage the Stromlo Leisure Centre is currently open and will close on 10 October 2019. It is expected that an operator will be appointed by the end of the year.

Stromlo Forest Park has also been long identified as the potential location for sporting fields to meet community needs in the Molonglo region. Consistent with the Stromlo Forest Park plan, the ACT government has committed funding in the 2018-19 budget to deliver a preliminary design and cost plan for the Stromlo Forest Park district playing fields.

This will be the first multi-unit sportsground facility to be provided in Molonglo. The main objective for the future district playing fields will be to provide both the sporting community and the broader community of Molonglo—particularly the outdoor field sports—with a great space to train, play and compete.

The district playing fields will also service the community in terms of providing quality sportsgrounds that can support a diverse range of health and physical recreation activities. This is in line with current community expectations regarding the provision of suitable sport and recreation facilities.

Requirements for the district playing fields include the delivery of three to four basic sports units with a combination of synthetic grass fields and turf fields; a pavilion, including change rooms, canteen, storage, public toilets and other agreed amenities; an appropriate level of parking and floodlighting.

The provision of large district playing fields, as opposed to small neighbourhood ovals, allows sporting clubs to better allocate their limited volunteer and administrative resources, which ultimately assists in improving the delivery of their respective competitions and programs.

However, it will not be possible for all sporting codes to share a single district playing field facility. Therefore, a broader regional analysis of sportsground allocation and usage in Woden and Weston Creek will be undertaken as part of the proposed design process. The consultation process will consider the individual demands for each of the outdoor field sports. This information will assist in determining which sporting codes will be catered for at the new district fields. The government will shortly engage a consultant to undertake this analysis, which will include consultation with key peak sporting bodies.

Mr Assistant Speaker, I thank Miss Burch for bringing the MPI to the Assembly today to discuss what is clearly a well-loved and celebrated resource in the ACT for the broader Canberra community, and I will continue to work on developing Stromlo Forest Park now and into the future.

**MRS DUNNE** (Ginninderra) (3.37): I cannot let the opportunity to talk about Stromlo Forest Park go by without touching on the thorny subject of hydrotherapy, because, after all, Stromlo Forest Park was put up as an option for hydrotherapy, and it has been passed by.

We need to reflect on and remember that, during the estimates process last year, the then minister for health cut off the conversation about hydrotherapy by stating quite emphatically, without any doubt, that there would be a hydrotherapy pool built at the

Stromlo facility. It caught me by surprise, but I thought, “Well, she’s the minister. She probably does know something, and maybe she does know more than I do.”

I went back and looked through all of the specs for the aquatic centre; no mention of hydrotherapy. I decided that I would write to the sports minister. As I have said in this place before, there was a great deal of misleading of the public going on, because that factoid—so-called fact—given by Minister Fitzharris was repeated by the Chief Minister on Chief Minister talkback on at least one occasion. I decided to write to the sports minister, who wrote back to me and said, “No, there’s been a complete misunderstanding. There is not going to be a hydrotherapy pool.”

For months, until I got a definitive answer from the minister for sport about this, there was an untruth out in the community, which this government allowed to be dangled there, that they had a solution for hydrotherapy on the south side, and it was a hydrotherapy pool at Stromlo Forest Park. It was not true. It was never true, and the previous minister and the Chief Minister let that misinformation dangle out in the community for quite some time. It was only when Minister Berry was forced to answer my question directly, months later, that that untruth was put to bed.

The thing about this Labor government is that they cannot be trusted in anything that they say. Minister Fitzharris closed down the whole line of questioning about the hydrotherapy pool in estimates by saying, “Don’t you worry; we’re building one at Stromlo.” She closed it down. It was inconvenient. It was inconvenient for her to be scrutinised about a failure of the government, and it showed that this government cannot be trusted. They will say anything, absolutely anything, to make their life easier, and this is what happened.

What I eventually got back was, “It’ll be a warm pool where you can possibly do exercise, as long as you want to share it with the kids who are learning to swim.” That is a paraphrase. They are not the exact words but that is a paraphrasing of what the minister said. It would be a combined pool, not warm enough to be a hydrotherapy pool, and a learn-to-swim pool. It is entirely and completely inappropriate for hydrotherapy.

I actually think that Stromlo Forest Park would be a fantastic site for a public hydrotherapy pool. It is pretty central, and if you actually had a transport system that worked it would be a place that many people on the south side of Canberra could reasonably easily access. If you are building a number of other swimming pools, there are relative economies of scale with building another pool there. You already have the lifeguards, so the whole system would work better.

Many of the people that Mrs Jones, Ms Lawder and I have been dealing with over the hydrotherapy issue have told us about the council-funded public hydrotherapy pools that they visit when they are travelling around the country. They can go to Kiama and visit a public hydrotherapy pool. They can go to various places on the south coast, the mid-north coast and places like that, where they might be holidaying, and they do not have to put their lives on hold because councils use ratepayers’ money to build hydrotherapy pools. Who would have think it? Who would have thought that that would be such an issue?

If we are going to build an aquatic centre of the sort that we are talking about here at Stromlo park, this would be a great place to do it. But this government have no vision, and they are untrustworthy when it comes to being truthful about what their concerns and intentions about hydrotherapy are.

Quite frankly, when Minister Fitzharris said, “We’re going to build a public hydrotherapy pool at Stromlo,” I thought, “Fantastic! This is great; this is the answer to everyone’s questions.” But it was not true. Her performance and the continuing performance of this government in relation to hydrotherapy and Stromlo Forest Park show that this government cannot be trusted.

**Ms Cheyne:** On a point of order, Mr Assistant Speaker, during her speech Mrs Dunne used a number of terms that included “untrustworthy” and that the government “doesn’t tell the truth”, implying that the government are liars. I believe that those sorts of remarks are unparliamentary, and I would ask Mrs Dunne to reflect on them and to withdraw.

**Mrs Jones:** On the point of order, Mr Assistant Speaker, the term “untrustworthy” is a term that can be used in this place rather than “liars”, and it has been used on many occasions. I do not believe that it is unparliamentary in the swing of debate.

**Mrs Dunne:** On the point of order, Mr Assistant Speaker, I took particular pains not to use the words “lie” or “mislead”, which I could have used. I took particular pains not to use those words because they are specifically unparliamentary. But it is the case that the ministers made statements which were not true and let them stand.

**MR ASSISTANT SPEAKER (Mr Parton):** I thought during your speech, Mrs Dunne, that you were flying very close to the wind, but that you did not quite overstep the mark. There is no point of order.

**MS CODY (Murrumbidgee) (3.45):** What a great opportunity Miss Burch has given us to speak today about the development of Stromlo Forest Park. It is a wonderful government initiative. I am not sure why Miss Burch wanted to highlight how good the government is in my electorate, but hey, I am happy to run with it.

Just this weekend I spent most of Saturday at Stromlo Forest Park, at the ACT Duathlon Championships. These are wonderful events that have been held out at Stromlo Forest Park because of the fantastic facilities on offer there. There are the bike trails—not the mountain bike trails that I heard Mr Rattenbury speak of before but the road bike trails—the crit track and the running track, which were all utilised for these wonderful ACT Duathlon Championships.

Mr Barr spoke earlier about the Handlebar cafe. I was lucky enough to have one of the best bacon and egg rolls there for breakfast on Saturday morning. I tell you what: it was amazing, and we raved about it for the rest of the day. Everyone who got one could not stop talking about it.

It is another great opportunity to talk about the sporting prowess that the ACT government invests in and that Stromlo Forest Park has to offer. And now we have a pool and a gym coming online. Isn't that fantastic for our local community? The leisure centre will include an eight-lane, 50-metre pool with movable boom to allow for short-course lap swimming, as well as water polo, canoe polo and underwater hockey competitions. I will also be using it for triathlon training, which I am pretty excited about.

The centre will have a 20-metre warm water pool for learn-to-swim and other aquatic programs. Yes, Mrs Dunne—a warm-water pool. It will have a leisure pool with a toddlers pool, with beach entry for wheelchair access, a disability pool hoist for raising and lowering the mobility impaired into all of the pools, a gym, a cafe, wet change rooms to service the pool areas and dry change rooms to service the gym areas. It will have multiple dedicated family change spaces. There will be seating for 500 people, which will allow community sport and recreation groups to host state-level competitions and swimming carnivals. There will also be a splash park, which has proved to be great fun for lots of young people out at Tuggeranong pool. In fact, after some of our triathlon practice sessions, we use it too—the big kids.

This will be an amazing asset for my local community, because that is what Labor governments deliver: public assets. I am not sure if the opposition's sudden interest in this asset is because they have found a buyer and want to privatise it to cover their reckless taxation policies.

Mr Assistant Speaker, whilst that might be part of their secret privatisation agenda, I can tell you more about the government's strong agenda for sporting and recreational spaces in my electorate. Some of it has already been delivered. The work at Football Park in Phillip has both made that facility inclusive of female players and improved the amenity for everyone. I note that some junior AFL football finals were held there this weekend, for both boys and girls, and lots of people—there were lots of people there.

**Mrs Jones:** Attended.

**MS CODY:** Attended; thank you, Mrs Jones. Ms Berry has also been working hard to develop the next steps for sport in the Molonglo Valley. Planning and consultation are underway for district playing fields. This will mean not only that my community will have better access to sport and recreation areas, but also that other communities will have access to them.

As has been noted by a few speakers here today, Stromlo Forest Park is very central for the Canberra region: 10 to 15 minutes to the city, 10 to 15 minutes to the depths of Tuggeranong, maybe 20 to 25 minutes to those places over in Gungahlin that I tend not to go to, because I love my Molonglo Valley and my Murrumbidgee electorate. There will also be a new pavilion that will be modern and appropriate having regard to the diversity of the people who are now playing sport.

There is also a Stromlo stakeholder consultative committee. It currently includes representatives of many organisations, including the ACT government, the ACT Equestrian Association, the Bicentennial National Trail, Canberra Off Road Cyclists—they are quite amazing; it scares me to do that stuff—We Ride, Cycling ACT, YMCA Canberra Runners Club, Cycle Life HQ, Triathlon ACT, and Pedal Power. These are some of the wonderful stakeholders that are included in conversations. There are also the local members, who are happy to listen to everything that people have to say and to feed in to the development as it goes on at Stromlo Forest Park.

As I was saying, sportsgrounds play a key role in supporting training and competition requirements for the sports sector. Sportsgrounds are heavily utilised as recreation spaces by the wider community on a daily basis. All sportsgrounds at the district playing fields will be available for community recreation usage when the sportsgrounds are not formally hired or in use for formal sports training and competition requirements. The community is welcome to use them.

The government's ongoing investment in community assets owned by the public is a demonstration of what good governments do. I thank Miss Burch for the opportunity to brag about it today.

*Discussion concluded.*

## **Official Visitor Amendment Bill 2019**

Debate resumed from 15 August 2019, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MRS JONES** (Murrumbidgee) (3.52): The Canberra Liberals are supporting the changes the government is making to the official visitor scheme in this bill. It has already been pointed out by the minister in his presentation speech that the bill gives effect to recommendations from the 2017 review of the official visitor scheme.

The work of official visitors is very important. It is one of the checks and balances available on government activity. It also allows the government to have an eye to how people are going, particularly for vulnerable groups in our prison, people suffering with disability and others.

As the minister would be aware, I raised concerns with his office in relation to clauses 26 to 28 making changes to the Official Visitors Board. Currently, the board is made up of the Public Trustee and Guardian, who is required to be the chair of the board; at least one human rights commissioner; and two official visitors elected by the official visitors. Clause 26 amends this to include “any other members appointed by the Minister”. Clause 27 removes the public trustee as chair of the board, instead authorising the minister to appoint the chair of the board. Clause 28 provides:

The chair of official visitors board may delegate the board's functions under this Act, an operational Act or another territory law to the official visitors executive officer or another public servant.

I would particularly like to thank Jarrah in the minister's office for clarifying the intentions and the rationale behind these changes in the past 24 hours. The advice I have received is that these changes are designed to provide additional administrative support for the official visitors; to act on the recommendation of the review to relocate the administration of the board from the public trustee and guardian to the Human Rights Commission; and to give the board delegation powers so that it can improve day-to-day support for official visitors.

The specific example given to me is that the bill provides that the Official Visitors Board may authorise an official visitor to fill in for another official visitor. Having the delegation in place means that the executive officer could quickly authorise the other official visitor to visit the place without the need for the board to consider the request.

As I am sure the minister can appreciate, we do not want to see a situation where the role and functions of the board are being changed in an undermining way, but I am willing to accept the advice and the rationale from the minister's office and can see how these changes are designed to improve the official visitor scheme.

With that and other changes that we have looked at, the Canberra Liberals will therefore support the bill.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (3.54): I rise to speak in support of the Official Visitor Amendment Bill 2019. The bill amends the Official Visitor Act 2012 and related operational acts to give effect to recommendations from a 2017 review of the ACT official visitor scheme. These amendments will strengthen and support the vital role undertaken by our official visitors.

As members would be aware, official visitors are independent statutory office holders appointed for their skills, expertise and experience. The role of official visitors is to visit, talk with, receive and consider complaints from and exercise other functions in relation to persons considered to be entitled persons. The official visitor scheme is part of a suite of important oversight and quality assurance mechanisms designed to provide rigorous scrutiny of and support to services, with the goal of ensuring the best possible outcomes for some of the most vulnerable people in our communities.

Official visitors visit Bimberi and residential out of home care facilities for children and young people; the Alexander Maconochie Centre; mental health facilities; accommodation for people with disability; and accommodation for homeless people. There is a requirement for some official visitors to be Aboriginal or Torres Strait Islander, to better meet the needs of First Nations people, who are overrepresented in many visitable places.

Over the past three years, I have met regularly with official visitors for children and young people and disability services, and have greatly appreciated both their insights and their candour.

In 2017 the Justice and Community Safety Directorate conducted a review of the scheme which involved consultation with the official visitors, operational directorates and a range of community stakeholders. The review confirmed that the official visitor scheme is a valuable scheme and that official visitors are highly trusted by both clients and service providers. The review identified a number of opportunities to improve the operation of the scheme, particularly in increasing consistency in the way that official visitors work in different areas, the reports they make and the level of support that we provide to them.

I should briefly comment on some of the improvements being made through this bill. The bill amends the Official Visitor Act to clarify the legislative functions of official visitors in response to the review findings that there was a lack of shared understanding about the official visitors' roles across all areas. The review recommended that the Official Visitor Act be amended to more clearly set out the functions of an official visitor, including their role in highlighting systemic issues.

The bill amends the Official Visitor Act to state that the functions of official visitors include visiting a place and meeting entitled people at the place; monitoring conditions and services at the place; investigating and seeking to resolve complaints from or on behalf of entitled people at the place; identifying and reporting on systemic issues adversely affecting entitled people at the place; referring complaints to other investigative entities where appropriate; and reporting to ministers as required.

The bill also includes legislative principles to guide the exercise of an official visitor's functions. The bill sets out that an official visitor must respect and promote the human rights of entitled people and promote high quality care, service and treatment that is centred on their needs. They must consider the wishes of entitled people in relation to visits and how complaints are dealt with and encourage the early resolution of complaints whenever reasonable and practicable to do so. I am confident that this reflects how the official visitors within my current and past portfolios have conducted themselves.

Another significant amendment is changes to improve the coverage and flexibility of the official visitor scheme. Under the current framework, official visitors are appointed under their separate operational acts. This has prevented official visitors from covering for each other and visiting places under a different operational act if an official visitor goes on leave or resigns. Centralising the appointment of official visitors under the Official Visitor Act and allowing official visitors to visit places under different operational acts where required will overcome this issue.

In line with the review, the bill also seeks to make amendments to provide a more comprehensive reporting framework. These and other amendments in the bill will strengthen the role of the official visitors.

I would like to take this opportunity to commend the official visitors on their commitment to ensuring that vulnerable people in Canberra have a voice for their concerns and their actions to remedy systemic issues that affect some of the most vulnerable people in the community.

I have noted in this place before the important role that official visitors play in the rigorous oversight mechanisms that exist in the ACT. I have seen this in particular at Bimberi Youth Justice Centre, where I have witnessed firsthand the relationship that develops between young people and official visitors. During the last sitting, we payed tribute to the late Tracey Whetnall and acknowledged her enormous contribution as an official visitor for children and young people, and also for corrections.

The relationship between official visitors and young people was also exemplified at the farewell hosted at Bimberi for former children and young people official visitor Narelle Hargreaves OAM, who stepped down from the role earlier this year after 11 years. Narelle has played a vital role in support and advocacy for young people at Bimberi, listening to their concerns and providing an independent voice for some of Canberra's most vulnerable children and young people, both at Bimberi and in residential care. At her farewell, Narelle was presented with personal messages and artworks created by the young people at Bimberi. It was a clear demonstration of the relationship between Narelle and the young people in the centre, and a demonstration of the critical role our official visitors play in the lives of the people they work with.

This bill will strengthen and amplify this role, and I commend it to the Assembly.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.00), in reply: I thank members for their comments today on this bill, because the official visitors play a vital role in our community, supporting vulnerable people and providing important checks and balances for government organisations.

As noted, the bill amends the Official Visitor Act and related operational acts to strengthen the official visitor scheme and help official visitors to do their essential work for our community. The bill gives effect to key recommendations from the 2017 Justice and Community Safety Directorate review of the ACT official visitor scheme. These amendments provide clarity about the role of official visitors and help the scheme to operate more flexibly and efficiently.

The official visitor scheme is an independent monitoring scheme for situations where people are being held in government institutions or staying in community facilities and are dependent on service providers. Official visitors are independent statutory office holders who meet and talk to the people staying in these places and help them resolve complaints. Under the act, the people in these facilities are known as entitled people and the places are called visitable places.

The official visitor scheme consists of the Official Visitor Act and five operational acts. These are the Children and Young People Act, the Corrections Management Act, the Disability Services Act, the Housing Assistance Act and the Mental Health Act. As I said during the introduction, as the minister with responsibility for the Official Visitor Act I am responsible for the operation of the scheme as a whole, but the scheme is relevant and important to many ministerial portfolios.

The bill was developed in consultation with the official visitor working group. The group is made up of ACT official visitors, representatives of all operational directorates, the ACT Human Rights Commission and the Public Trustee and Guardian. The bill makes important changes to the administration of the scheme. It amends the Official Visitor Act to provide more executive support for official visitors. The bill does this by clarifying the role and functions of the official visitors board and by creating a new role for a dedicated executive officer.

I am aware that the review of the official visitor scheme recommended abolishing the board. However, following significant consultation with the working group I have decided to retain the board and clarify its role and functions. Under the Official Visitor Act the board arranges training for official visitors, facilitates interaction between official visitors and arranges for the provision of administrative assistance to official visitors. The bill clarifies the functions of the board so that it can provide ongoing support to official visitors.

The board will have the following responsibilities: it will oversee the exercise of functions by official visitors; it will arrange for the recruitment, induction, training and support of official visitors; and it will provide support for and manage the exercise of functions by official visitors. The board will also consider and try to resolve any complaints about official visitors. The board will also be responsible for preparing an annual report, and I will discuss the reporting requirements further in a moment.

Under the current act the board must meet at least twice a year. The bill changes this requirement to require the board to meet at least quarterly. The board will need to meet more often because of the expansion of its functions under the bill. Under the current act the chair of the board is the Public Trustee and Guardian. The bill changes this to a chair appointed by the minister. This reflects some changes in the administration of the scheme whereby a new executive office will be established.

I now return to the reporting requirements proposed by the bill. The bill provides a more comprehensive reporting framework for official visitors and for the official visitors board. There are currently reporting requirements in the act, but the review recommended replacing these with a more comprehensive structure to improve consistency and make sure all relevant ministers are kept informed.

The Official Visitor Act currently requires official visitors to provide a quarterly report to the operational minister about the number and kinds of complaints received by the official visitor, the action taken on the complaints and the number and kinds of matters referred by the official visitor to an investigative entity such as the Human Rights Commission or the Ombudsman. This report is given to the minister who is responsible for the operational act, and not the minister who is responsible for the whole official visitor scheme. The bill builds on these requirements.

The bill amends the Official Visitor Act to require the quarterly report to include more detail. This gives the operational minister more information about systemic issues. The official visitor must prepare a full written report for the operational minister each quarter summarising: the number and kinds of complaints received by the official

visitor in relation to the place, the action taken on the complaints received, the number and kinds of matters referred by the official visitor to an investigative entity, and any systemic issues identified by the official visitor.

The report must also include the number of times the official visitor used the power under section 15(2)(b) to inspect records without the consent of the entitled person. The official visitor must also prepare a summary of the quarterly report for the minister who is responsible for the official visitor scheme. This helps the minister have greater oversight of the scheme as a whole.

The bill also places annual reporting obligations on the official visitors board. The board must prepare a written report to the minister within three months after the end of the financial year. The report must include the following information: the number of visits by official visitors, the number of complaints received by official visitors, the number of referrals of complaints to investigative entities, the action taken on the complaints received, any systemic issues in relation to the operation of the act identified by the board, the number and kinds of matters referred by the official visitor to an investigative entity, and the number of times the official visitor inspected records without the consent of the entitled person, in accordance with section 15(2)(b).

The minister must present the report to the Legislative Assembly within six sitting days after being given a copy of the report by the board and give additional public notice of the report. This provides more transparency about the operation of the scheme.

The bill gives official visitors greater access to records kept in visitable places in situations where this is reasonable and necessary. This increased access is confined to very specific circumstances and includes important safeguards. As a rule, an official visitor must take reasonable steps to find out if an entitled person consents to the official visitor accessing their records. An official visitor may only access the records without consent in situations where the official visitor forms the view on reasonable grounds that the entitled person may not be able to consent but the person has not indicated that they object to the records being inspected. The official visitor cannot override the entitled persons' expressed wishes about the inspection of their records. Official visitors and the official visitors board must report on any instances where this power has been used.

I will also develop, in consultation with key stakeholders, guidelines for the use of this provision to make sure that these powers are used in a way that is consistent with the human rights of entitled people.

The bill amends the act to make it clear that, except if stated in the act or in other territory law, an official visitor is not subject to the direction of anyone else in relation to the exercise of their functions under the Official Visitor Act. This provision puts the independence of official visitors beyond doubt.

The bill improves the flexibility and coverage of the official visitor scheme by removing legislative restrictions on official visitors visiting other operational areas. In the current scheme official visitors are appointed under the five operational acts. They

can only visit the places that are specified under their own operational act, which bars an official visitor from one operational act performing the functions of an official visitor from a different operational act. This has caused problems in practice, including a limit on collaboration between official visitors and a lack of coverage if an official visitor resigns or is not able to perform their duties for an extended period due to leave or illness.

The bill rectifies this by providing that official visitors are appointed under the Official Visitor Act for particular visitable places as defined in the operational acts. An official visitor may visit another visitable place or deal with an entitled person at that place if asked in writing by another official visitor or by the official visitors board. The board may delegate this function to the official visitor executive officer.

The bill enhances the ability of the homelessness official visitor to visit entitled people. As I said during introduction, the bill amends the Housing Assistance Act to allow the homelessness official visitor to visit more people. The bill expands the definition of a visitable place to include independent accommodation provided by non-government specialist homelessness services. The bill also amends the Housing Assistance Act to allow the homelessness official visitor to visit these premises either on request or where they have concerns.

The bill gives entitled people better access to information about their right to contact official visitors by requiring an operating entity for a visitable place to give an entitled person information about the person's right to make complaints under the Official Visitor Act. This information must be provided in a way that is accessible to the person. As a minimum, the operating entity must make this information available to the person on entry to the visitable place. As discussed during the introduction, the bill removes the requirement for the minister to specify the address and details of visitable places in guidelines.

The bill replaces this with a new requirement for the director-general of an operational directorate to maintain a register of visitable places. This register is more easily updated than the guidelines and does not have the privacy concerns that come with publishing the details of certain visitable places. This was a matter raised by the scrutiny committee and has been addressed in my comments in response to the scrutiny committee. I believe that this is a sensible reform that in fact increases privacy for people who are in visitable places.

This bill will enhance the operation of the official visitor scheme and help official visitors to help vulnerable people. I once again thank the official visitors for the important work they do and thank the official visitor working group for its valuable feedback on the bill. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

### **Waste—rubbish sizzle**

**MS CHEYNE** (Ginninderra) (4.12): On 25 August I had the pleasure of holding a rubbish sizzle at John Knight Memorial Park. Residents received a free sausage sandwich in exchange for handing in a piece of rubbish found in the park or, indeed, in Lake Ginninderra. It is the first time I have held an event like this and I am glad to say that we had a phenomenal turnout.

I want to thank the many people who were out and about in the park on what was a really lovely day, ushering in I guess what was a false spring, based on what we have seen in the last two days. I thank the people who were kind enough to drop by and hand in the rubbish they found. Whether they were motivated by a desire to clean up the area or by the promise of a free feed, I cannot say, but we luckily had enough sausages to feed a small army, and we did.

I was particularly pleased to see so many families turn up. I think a real theme that we have seen in this place and in this community is just how much young people really are taking such an interest in their environment and in ensuring that their community is kept clean and pristine. I really love seeing families come out with their own bags and their own containers to pick up rubbish.

Even though the deal was that you only had to provide us with one piece of rubbish to get a sausage sandwich, which I think is an awesome deal, many people—I think almost everybody—managed to give more than a handful of rubbish and, in some cases, a big bag of rubbish. But with that said, it was incredibly encouraging to hear that people were often struggling to find rubbish in the park. It reached a point where some participants were almost apologetic about the little amount of rubbish they had collected.

It is clear that the Belconnen community treasures, takes pride in and seeks to look after Lake Ginninderra and the surrounding green spaces. The community complements the efforts of our fantastic city services rangers who I see out most mornings when I am in that area myself with my dog.

Regardless of how difficult it was to find the rubbish, we still managed to collect a sizeable haul by the end of the event. So our efforts were definitely not in vain and I think we can be really proud of just how good the area looked, combined with the efforts of our excellent rangers.

Madam Deputy Speaker, I want to put on record my thanks to everybody who participated. It is always fantastic to see people actively engaged in the community, giving up their own time to ensure that Belconnen continues to be the beautiful and friendly place that it is.

It really warmed my heart to see so many members of the community embracing this initiative. I am looking forward to holding another rubbish sizzle sometime in the near future, perhaps to usher in summer. Here's hoping that it is even trickier to find rubbish next time.

### **Official Visitor Amendment Bill 2019**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.15): I make a quick interruption of the adjournment debate. During the previous debate on the Official Visitors Amendment Bill I had intended to present a revised explanatory statement. I forgot to do that, so I now present the revised explanatory statement.

### **Sport—Tuggeranong Bushrangers**

**MR PARTON** (Brindabella) (4.15): I rise to pay tribute to the Tuggeranong Bushrangers under 19s in the local rugby league, who won a thrilling division 2 grand final at Jamison enclosed oval on Sunday. They were awesome. The Bushies have been around in the valley since the early 2000s and they fight hard for everything that they get. I think they really personify the Tuggeranong spirit. In recent years, particularly in the season just gone, one of their biggest struggles has been access to grounds for training and playing. I know it is something that my colleague Mr Milligan has been looking into and intends to make headway on.

This year they turned out teams in first grade, reserves, the under 19s and the league tag women's comp. They are a hardworking, close-knit club and it was wonderful to see them have success in a grand final on Sunday. They came up against the North Canberra Bears. I have to tell you, Madam Deputy Speaker, that I was extremely worried when the game started because the Bushies were very clearly up against a team of bigger boys who really had turned up to play.

So many of these baby Bushrangers were in the lower end of the age group and it showed dramatically. When little Mitchell Rhodes got over the try line early on in the first half, to me it seemed like a try against the tide. But they defended so well. They went to the sheds with a narrow lead at half-time. The sun was shining; the beer was cold; it was a good day.

The game opened up in the second half. The Bears found the lead and really looked the likely winners, but these boys from Tuggeranong just were not having it. They stood up when it counted. They managed to tie up the scores in the shadow of full time. We saw a second try to Mitchell Rhodes and another to Julian Hayward-Whiley. Then Jackson Owen, who had missed some conversions from, it must be said, way out wide, showed a cool head to kick a field goal to break the deadlock before slotting another penalty soon after to seal the deal.

Well done to coaches Mick Broafey and Darren Dodds and all those on the committee. I have to mention Nathan Peck, the captain of the under 19 Bushrangers, who led the team so well. He led them to a grand final victory, but he is one of those young men—

I think we all know them—who does his talking out on the park. He hates talking in front of a crowd with a microphone thrust in front of him. I think it was the toughest thing that he did all day, but he even did that well. Well done to the Bushrangers!

### **Health—hydrotherapy pool**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.18): Madam Deputy Speaker, I wanted to figure out a way to correct or to provide some more information following your contribution to the MPI around the hydrotherapy pool. I will take the chance to do it now.

I want to read out the letter that the health minister provided at the time, to clarify the information around the hydrotherapy pool at Stromlo. You implied in your speech that the former health minister had somehow been untruthful. She wrote to the Speaker on 22 October last year to correct the record after questions were asked of her around hydrotherapy. Based on advice, she had given a response which was not entirely correct, and she wrote to Joy to correct the record. She wrote:

I am writing to clarify the record regarding evidence I gave to the Select Committee on Estimates 2018-2019 (the Committee) in its inquiry into the Appropriation Bill 2018-2019 ...

During the Committee's public hearing on 21 June 2018, in response to a question from Ms Le Couteur ... I gave evidence that a pool located at the Stromlo Leisure Centre would be a hydrotherapy pool.

I am advised the Stromlo Leisure Centre will not include a stand-alone hydrotherapy pool, but will include a pool capable of some types of aquatic based hydrotherapy.

That is indeed the case. The letter continues:

I became aware of the need for this clarification regarding the pool to be located at the Stromlo Leisure Centre after the report of the Committee was tabled in the Assembly and the Committee subsequently dissolved. I therefore seek your assistance in tabling this letter in the Assembly to clarify my evidence to the Committee.

And that is what she did. I put that on the record, Madam Deputy Speaker, because Ms Fitzharris is no longer here to provide a personal statement. I feel that that provides a little bit more information regarding your speech earlier today.

Question resolved in the affirmative.

**The Assembly adjourned at 4.22 pm.**

## Schedule of amendments

### Schedule 1

#### Planning and Development (Concessional Leases) Amendment Bill 2019

##### Amendments moved by the Minister for Planning and Land Management

1

##### Clause 14

Proposed new section 266 (1) (a) (ii) (B)

Page 14, line 13—

*omit*

section 253F (b)

*substitute*

section 253F (c)

2

##### Clause 18

Proposed new section 512 (1) (a)

Page 17, line 19—

*omit*

community organisation

*substitute*

person