



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

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**Tuesday, 25 November 2014**

**MADAM SPEAKER** (Mrs Dunne) 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**

*The following petition was lodged for presentation, by Ms Lawder, from 292 residents:*

### **Canberra Institute of Technology—Auslan—petition No 18-14**

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

The following residents of the ACT draws to the attention of the Assembly that the Auslan course at CIT will not run in 2015 as they have been deemed to be financially unviable.

Your petitioners, therefore, request the Assembly commit ongoing funding of Auslan courses at CIT as a community obligation.

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

## **Ministerial responses**

**The Clerk:** The following responses to petitions have been lodged by ministers:

By **Ms Burch**, Minister for Education and Training, dated 31 October 2014, in response to two petitions lodged by Mr Wall on 5 August 2014 concerning the closure of early intervention groups.

By **Mr Corbell**, Minister for the Environment, dated 29 October 2014, in response to two petitions lodged by Ms Lawder on 5 August 2014 concerning the cleaning up of Lake Tuggeranong and the creation of wetlands.

The terms of the responses will be recorded in *Hansard*.

### **Disability services—early intervention—petition No 9-14 and petition No 13-14**

*The response read as follows:*

Thank you for your letter of 5 August 2014 about e-petition No. 9-14 and petition No. 13-14, received by the Assembly on 5 August 2014.

The petition related to the closure of ACT Education and Training's early intervention programs at the end of 2014 and requests the Assembly to overturn this decision.

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

From 2015 the early intervention programs currently delivered by the Education and Training Directorate will transition to community providers. This will support the intent of the National Disability Insurance Scheme to foster greater choice and control for ACT residents with a developmental delay or disability.

To provide certainty to families and financial security to providers, the National Disability Insurance Agency has conducted an open tender process calling for community providers to replace the existing early intervention programs. The successful tenderers have now been announced and their contracts with the Agency are currently being finalised. They are Noah's Ark (Victoria), Cerebral Palsy Alliance, Northcott, Easy, SDN Child and Family Services and Autism Spectrum Australian (ASPECT). These organisations have the capacity, experience and interest in providing early intervention services that are evidence-based, child-focused and family-centred.

I understand there has been significant community interest in this matter and a desire for certainty in relation to the provision of services in 2015. The Education and Training Directorate will be working closely with the National Disability Insurance Agency and families in the coming weeks to support their transition to these new services. The Education and Training Directorate will be hosting an open day at the Hedley Beare Centre for Teaching and Learning on 17 November 2014, where families will have an opportunity to interact with the new providers.

Thank you for bringing this matter to my attention.

### **Environment—Lake Tuggeranong—petition No 11-14 and petition No 14-14**

*The response read as follows:*

Thank you for forwarding me the e-petition No. 11-14 and petition No. 14-14 lodged by Ms Nicole Lawder MLA and received by the Assembly on 5 August 2014. I understand that the petitions relate to the cleaning up of Lake Tuggeranong and were signed by 3,007 people.

As the Minister for the Environment, I well understand the history of Lake Tuggeranong and am aware that the condition of the Lake has led to the number of signatures on the two petitions. The petitions focus on two points. The first point states that "*Lake Tuggeranong has faced annual closures because of outbreaks of blue-green algae, caused by poor quality water. These outbreaks lead to bad smells, health risks for people and animals, and cancelled sporting and community events*".

Lake Tuggeranong was constructed in 1987 and in addition to providing important aesthetic and recreational benefits was established as a settling pond to

trap soils and debris in urban stormwater, to improve the quality of the water flowing into the Murrumbidgee River. Lake Tuggeranong is also in effect part of the ACT drinking water supply catchment, with ACTEW investing in pumping infrastructure downstream at the Cotter River to draw water for treatment at Stromlo.

However, since Lake Tuggeranong's establishment the lake water quality has declined as a result of the accumulation of urban pollutants from its surrounding catchment. The most immediate impact has been a loss of amenity associated with the lake. Because Lake Tuggeranong is a tributary of the Murrumbidgee River, a failure of the lake to trap pollutants could have negative impacts on downstream water quality.

Lake Tuggeranong is currently open for primary contact (swimming) in three of its five recreational areas and open for secondary contact (boating) for all five recreational areas. The Environment Protection Authority had closed the lake as a precautionary measure on 20 March 2014 after high levels of blue-green algae were detected in multiple areas of the lake. However Lake Tuggeranong has been open for recreational use since 26 June 2014 due to a number of management actions that have taken place.

An example of recent management actions includes the opportunistic draining of Tuggeranong Weir. The draining of the weir enables a host of chemical, physical and biological processes to occur that will effectively refresh the weir so that it becomes more effective at trapping and binding stormwater pollutants/nutrients.

Immediate issues with the management of Lake Tuggeranong and its surrounding areas are dealt with through the Territory and Municipal Services Directorate; however, there are also a number of actions being carried out by the Environment and Planning Directorate as discussed below.

The second point to the petitions states that *"Your petitioners, therefore, request the Assembly to call on the Government to take immediate action to clean up Lake Tuggeranong, and fulfil their election promise to build wetlands in the Tuggeranong Valley, which will help improve the quality of water flowing into the lake.*

As you may be aware, the ACT Parliamentary Agreement for the 8th Legislative Assembly for the ACT (2012) states on this issue:

*3.11 Restore the Health of Canberra's lakes and catchments by allocating \$85m of MDBP funds to establish a Water Catchment Management Authority to ensure the following: a) Construction of four new wetlands to improve water quality at Tuggeranong (2), Yarralumla and Ginninderra by June 2016;*

The ACT government remains strongly committed to improving water quality in our urban waterways. Following the submission of an ACT government business case to the Commonwealth government in late 2013, the Commonwealth Parliamentary Secretary for the Environment, Senator the Hon Simon Birmingham, and I, on 26 February 2014, made a joint announcement of \$85 million of Commonwealth funding for an ACT Basin Priority Project. This project is expected to have a significant positive impact on water quality for the ACT and Murray-Darling Basin.

Improving water quality will have benefits not only for the aquatic environment but also for the community through improving the social and economic contribution of ACT lakes and waterways to our region. The ACT government will also be contributing a further \$8.5 million in addition to the Commonwealth's funding of the project.

In accordance with the business case agreed with the Commonwealth, the ACT Basin Priority Project has two distinct phases. Phase 1, the water quality monitoring component, is scheduled to be completed by February 2016. Phase 2, the detailed design and construction of water quality intervention infrastructure, is due for completion by March 2019.

Phase 1 of the ACT Basin Priority Project consists of implementing both a specific monitoring program for six identified priority sub-catchments (Lake Tuggeranong has been identified as one of the six priority catchments) and a comprehensive ACT-wide water quality monitoring program. The sub-catchment monitoring will provide relevant data to underpin Phase 2 of the Priority Project. There will also be an audit, analysis and investigation of a representative range of current stormwater quality assets in the ACT to determine their efficiency and effectiveness and assist in both the choice and development of infrastructure alternatives in Phase 2.

Phase 2 of the ACT Basin Priority Project will be the detailed design and the construction of water quality intervention infrastructure to address the water quality issues identified in Phase 1. Phase 2 will also determine ongoing governance arrangements for long-term monitoring to gauge the effectiveness of the new infrastructure works and the subsequent improvements to water quality in the catchment. The Phase 2 funding component is subject to Commonwealth approval of a supplementary business case on the construction of this infrastructure by February 2016. Subject to agreement to the supplementary business case, the expected time line to complete the work under the project will be 30 June 2019.

Further details on the ACT Basin Priority Project are available online at <http://www.environment.gov.au/resource/water-management-partnership-agreement-commonwealth-australia-and-australian-capital>

While the construction of two wetlands in the Tuggeranong catchment could well be a viable option under Phase 2 of the Project, it would not be appropriate to pre-empt the outcomes of the Phase 1 project monitoring and investigations. The consultancy engaged at looking at the six priority catchments as part of Phase 1 is still in the process of developing an integrated water quality monitoring regime, incorporating detailed monitoring in the identified six priority representative sub-catchments. In conjunction with this, consultancies for the ACT-wide water quality monitoring framework and the strategic review and analysis of ACT urban water infrastructure are also underway.

In order to make the most informed decision on the water quality infrastructure appropriate for the Tuggeranong catchment which considers the social, environmental and economic implications based on sound scientific knowledge, it is important that the activities proposed in Phase 1 are carried out.

I acknowledge that the Tuggeranong catchment does have significant amounts of data collated by scientific experts and also through our much valued Waterwatch community. Nevertheless, the current Phase 1 work will consider if work is required to fill data gaps in order to complete the water quality monitoring framework.

In the past, the Environment and Planning Directorate has investigated whether there was any possibility to negotiate with the Commonwealth to bring forward actual works. The Commonwealth has indicated that it does not agree to this approach in advance of work on the water quality monitoring framework and filling of any data gaps. Departure from the jointly agreed Project Schedule to investigate the wetland options may have detrimental impacts on the ACT Basin Priority Project. It may delay milestones being met and/or could result in a failure to complete the comprehensive business case to implement Phase 2.

In filling in the data gaps, the ACT Basin Priority Project requires a number of steps to be completed to ensure a rigorous business case for Phase 2. The Project Schedule outlines these steps and the ACT government has been successful in achieving the milestones set to date. As such, it will necessarily take some time before a confirmation of the most viable water quality infrastructure is determined for the Tuggeranong catchment. This does not mean that the two wetlands are no longer on the agenda. Moreover, the concept will need to go through a proper process before the Commonwealth is prepared to approve and fund the proposals.

The community is fundamental in the journey and success of the ACT Basin Priority Project and the project team will ensure that key stakeholders are engaged as the project progresses. In this regard, a number of Tuggeranong residents are already part of the Project Advisory Group—Community and Peak Stakeholders Group.

I fully understand the desire of the constituents in the Tuggeranong catchment for immediate action, but I ask for their patience in seeing the ACT Basin Priority Project achieve its project milestones. Appropriate time and analysis will help ensure a business case which is supported with sound scientific evidence that considers the social, environmental and economic objectives.

The ACT government remains committed to restoring the health of Canberra's lakes and catchments. As outlined above, significant steps have been undertaken to improve the water quality in Lake Tuggeranong, including short-term management actions and the encouraging progress of the ACT Basin Priority Project.

I thank the constituents of the Lake Tuggeranong catchment for their interest in the condition and health of their catchment, and trust that the work to date and proposed under the ACT Basin Priority Project will assist in restoring the health of Canberra's lakes and catchments.

Thank you for bringing the two petitions to my attention.

### **Canberra Institute of Technology—Auslan—petition No 18-14**

**MS LAWDER** (Brindabella): Madam Speaker, I seek leave to make a brief statement in relation to the petition about sign language.

Leave granted.

**MS LAWDER:** Australian Sign Language, or Auslan, evolved from sign languages brought to Australia during the 19th century from Britain and Ireland.

In 1860 Thomas Pattison established the Royal Institute for Deaf and Blind Children, now known as RIDBC, in New South Wales. Around the same time, in Victoria, the Victorian College for the Deaf was founded by Frederick Rose, who had been educated at the Old Kent Road School for the Deaf in London. These schools and others had an enormous role in the development of Auslan, as they were the first contact with sign language for many deaf children. Because many of the schools for deaf children were residential boarding schools, they provided ample opportunity for the language to thrive, even though in many schools signing was banned from the classroom for much of the 20th century.

The suppression of sign language continues in many forms and in many places across Australia. I and other MLAs recently received some letters from constituents regarding Auslan courses at CIT. This was also raised in annual report hearings for the standing committee on education by my colleague Mr Doszpot. I would like to read one of these letters, amended slightly to remove reference to the person who wrote it. It says:

I am writing to bring your attention to the Canberra Institute of Technology's recent decision to not run the Certificate 2 in Auslan in 2015 due to financial reasons.

I am Deaf, and rely on Auslan (Australian Sign Language) interpreting services to be a participating member of the Canberra Community. I use Auslan Interpreters for medical appointments and other areas of daily life and I know that the Deaf Community is experiencing a shortage of interpreters with many bookings that are made to the interpreter booking agencies unable to be filled.

With the implementation of the NDIS many eligible Deaf people will be including Auslan interpreter access in the funding packages. This can only increase the demand of a resource that is already scarce. The United Nations Convention on the Rights of People with a Disability (to which Australia is a signatory) clearly outlines my right to access the wider community via Auslan and Auslan interpreters. How can my rights in this area be upheld if there is no training pathway available for interpreters to be trained?

On Sunday there was an article in the *Canberra Times* about this. According to that article, CIT may be running adult education courses in Auslan. Madam Speaker, that is not enough. That does not provide a pathway to interpreting for people who wish to go further down that path and provide communication access for people who are deaf. We need accredited courses, not adult education courses. I am a bit sad that the minister for education is not here this morning to hear this petition and perhaps speak with some of the deaf people in the gallery today. We need pathways for people to become interpreters or, at the very least, acquire communication skills in Auslan to use in their professions, such as nursing or child care.

I am pleased to present this petition today. I hope the minister will be able to provide certainty and surety to the Canberra deaf community that pathways to interpreting and accredited courses at CIT will remain in the ACT.

## **Justice and Community Safety—Standing Committee Scrutiny report 26**

**MR DOSZPOT** (Molonglo): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 26, dated 21 November 2014, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT**: Scrutiny report 26 contains the committee's comments on seven bills, 28 pieces of subordinate legislation and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Public Accounts—Standing Committee Statement by chair**

**MR SMYTH** (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts. The Standing Committee on Public Accounts recently resolved, on 17 November 2014, to inquire into and report to the Legislative Assembly on the proposed Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015. The terms of reference for the committee's inquiry are the draft bill together with its explanatory statement. The committee has called for written submissions to the inquiry, with a closing date of close of business on Wednesday, 26 November 2014. The committee will be holding public hearings on Friday, 28 November 2014 and Monday, 1 December 2014. The committee expects to complete its report on Wednesday, 3 December 2014 and to publish it on that day.

## **Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015 Reference to Standing Committee on Public Accounts**

Motion (by **Mr Smyth**), by leave, agreed to:

That in relation to the inquiry by the Standing Committee on Public Accounts into the consultation copy of the Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015, if the Assembly is not sitting when the report is completed, the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation.

Question resolved in the affirmative.

## **Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015**

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

Title read by Clerk.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events) (10.09): I move:

That this bill be agreed to in principle.

Madam Speaker, the Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015 provides for the appropriation of funds totalling \$762.031 million in the 2014-15 fiscal year.

These funds provide for \$337.777 million in net cost of outputs appropriation and \$412.223 million in the capital injection appropriation to the Chief Minister, Treasury and Economic Development Directorate for the cost of the loose-fill asbestos insulation eradication scheme and the Asbestos Response Taskforce. Further, \$12.031 million in payments to the territory banking account for the payment of interest on the commonwealth's \$750 million loan in 2014-15 is provided for in this bill.

Supplementary budget papers detail the impact of the additional appropriations.

The loose-fill eradication scheme has been offered by the government to buy all homes in the ACT affected by loose-fill asbestos—Mr Fluffy—insulation.

Under the scheme, the ACT government will acquire, demolish and safely dispose of all affected homes, remediate affected blocks and then resell those blocks to defray the overall scheme costs.

The scheme also includes the emergency financial assistance, asbestos assessment and hazard reduction program undertaken by the Asbestos Response Taskforce since it was formed in July 2014, as well as the relocation assistance grants payable as affected homes are vacated.

This bill ensures the transparency of government decision-making in relation to the allocation of financial resources and fulfils the government's policy objectives in a timely fashion.

I commend the Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015 to the Assembly.

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

**Auditor-General's report No 3/2014—single dwelling development assessments**  
**Statement by minister**

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (10.12), by leave: On 3 June this year the Auditor-General's report into single-dwelling development assessments was tabled in this Assembly. The report contained 14 recommendations in total, designed to address the audit findings. The objective of the performance audit as stated by the Auditor-General was to provide an independent opinion to the Legislative Assembly on whether the development application exemption and the development application approval processes for single-dwelling developments are open to improper influence.

The audit focused on single-dwelling developments and undertook an independent assessment of development case studies and technical advice. It is important to note that the Auditor-General concluded with the following:

There was no evidence of improper influence being exerted on, or by, the Environment and Sustainable Development Directorate's assessing officers, for the seven case studies examined as part of this audit.

The Auditor-General did, however, identify some improvements which the government believes will further strengthen protections for Canberrans and also ensure greater transparency in all development applications.

All of the 14 recommendations made by the Auditor-General are considered to have merit. I am now in a position to update the Assembly in relation to the actions taken thus far and will table a progress report for information to members in just a moment.

I am pleased to advise the Assembly that 12 of the 14 recommendations have been fully implemented, with the remaining two recommendations—4 and 10—being the subject of current policy and legislative review.

The Auditor-General's report recommended that a number of administrative changes and new processes be put in place. This work is now significantly progressed.

There were also recommendations that required legislative amendments to be implemented. These recommendations are at the core of the changes proposed by the Auditor-General in her report and relate to the process by which decisions regarding exempt development are made by persons authorised to make those decisions, the majority of these decisions being made by building certifiers.

The Auditor-General recommended that people assessing applications for development approval and buildings approval should better document their decisions and that building surveyors and works assessors, in their roles under both the Planning and Development Act and the Building Act, should be required to submit specific documentation in relation to assessments of exempt development.

In response, EPD has reviewed its own internal documentation for development application decisions to ensure its documents meet the standards recommended by the Auditor-General.

As members would be aware, the Legislative Assembly has agreed to new requirements for exemption assessment D notices and decisions made by building certifiers under the Building Act—specifically, the decision by a building certifier to issue a building approval for development that does not have a development approval or other exemption documentation.

The primary change under the Building Act applies if a building certifier receives an application for building approval for the site work relating to the approval and there is no (a) exemption assessment D notice stating that the site work is exempt development issued for the work not more than three months before the day the application was made; (b) exemption declaration under the Planning and Development Regulation 2008 made by the Planning and Land Authority; or (c) current development approval issued in relation to the site work.

If none of the above documents are in place covering all of the relevant site work, new section 28(1A) requires the building certifier to issue a site work notice. This notice is intended to document the decisions building certifiers already make under the Building Act when they receive an application for building approval.

If the development is not a DA exempt development, the existing provisions apply and no site work notice is issued. The application for building approval cannot be considered without a valid DA for non-exempt works. A site work notice must state that the site work is exempt development and the building certifier's reasons for assessing that the site work is exempt development. This could include advice from referral entities and must identify any of the following relied on by the building certifier to assess the site work as exempt development: a provision of the Planning and Development Regulation 2008 or, if a provision incorporates a territory plan code, the code.

The site work notice verifies that the building certifier has made an assessment of the DA-exempt status of the site work. The notice does not have to contain a checklist against all of the criteria in the relevant regulation or code, but the building certifier must be satisfied that all relevant criteria are met before issuing the notice. Building certifiers can and should continue to use their own verification methods and documents to assess whether the site work is exempt. The notice must contain identifying information for the parcel of land the site work relates to, including the block and section number, the division and the street name and number if applicable. It must also include the building certifier's name, licence number and signature and the date the notice is signed.

This is a significant reform. It addresses the issues raised by the Auditor-General and will enable the directorate to more easily audit the fundamental decision made by a building certifier on whether or not to exempt a development.

I would like to take this opportunity to share with the Assembly two other significant pieces of work undertaken by the directorate in response to the recommendations to strengthen the auditing of exempt development and to provide better information to the community.

In relation to the recommendation about the directorate improving its publicly available information on certifiers and the development application exemption process, I am pleased to report that the directorate has produced a new publication entitled *Building in the ACT: a consumer guide to the building process*. The consumer guide provides important information to those who engage in the building process and includes information and advice about the role of the Construction Occupations Registrar and the role of the building certifiers and information about building contracts, building disputes and choosing a builder, just to name a few. In addition to the publication being published on the directorate's website, some of the ACT's licensed building certifiers are providing links from their websites directing people to this informative publication.

In relation to the recommendation about the directorate improving its auditing of development application exemption assessments, I am pleased to report that the auditing of exempt development now forms part of the audit program of the construction audit team.

In addition, I am pleased to advise the Assembly that the most recent audit of exempt development assessed 3,675 rules in 75 building approvals. Of the 3,675 individual rules, there were 10 minor departures identified in the audit. This equates to a failure rate of just 0.27 per cent and points to the significant work the directorate has undertaken with the industry in enhancing their knowledge and understanding of the legislative requirements.

It is also important to recognise the work of the members of the ACT building and construction industry—in particular, the building certifiers and representative bodies in the industry, for their cooperative approach to the implementation of the recommendations. This task would not have been possible without their ongoing support and commitment to the industry.

I would like to thank and commend officers of the directorate for the significant work that they have undertaken in response to the recommendations and their implementation.

I would also like to acknowledge the work of the Auditor-General and her officers in the conduct and outcomes of this audit. Audits such as these are a great way for the ACT government to continue to improve the planning system in the ACT and I thank the Auditor-General for taking the time to conduct this review.

Finally, I would like to thank those Canberrans who continue to play such a passionate role in the planning of our city. It is important that we have an ongoing conversation with the community about getting the planning tools right for individuals, for streets, for local suburbs and for the benefit of the city as a whole.

Performance audits such as these allow us to see our own processes in a new light and enable the government to continue to improve these processes for the benefit of all. I present the following paper:

Auditor-General's Report into Single Dwelling Residential Development—  
Progress report—Statement by leave.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## **Whole of government Aboriginal and Torres Strait Islander Agreement Ministerial statement**

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation) (10.22), by leave: I present the following paper:

ACT Whole of Government Aboriginal and Torres Strait Islander Agreement—  
Update—Ministerial statement, 25 November 2014.

I move:

That the Assembly takes note of the paper.

In February this year I advised the Legislative Assembly on the development of a whole-of-government Aboriginal and Torres Strait Islander agreement. I informed members about our vision of a high level agreement that will incorporate a number of the deliverables outlined in existing ACT plans and strategies.

I also described an agreement that would set out the ACT government's commitment to work with Aboriginal and Torres Strait Islander Canberrans to improve how we deliver health, housing, economic and social services, an agreement that will provide a framework for relations between the Aboriginal and Torres Strait Islander communities and the ACT government by articulating the principles of good communication and partnership.

I am happy to report to the Assembly that, as a result of ongoing discussion with the community, the ACT Aboriginal and Torres Strait Islander Elected Body and other stakeholders have drafted the agreement that has been developed and is currently being finetuned. This is a big piece of work for all parties, the community stakeholders and government officials alike. While there have been some delays, the work is progressing well. This is not the kind of thing that should be rushed, and if we all need to take some time to develop a better agreement then I am happy to take the time as needed.

I particularly acknowledge the workload of the recently elected members of the elected body and recognise their significant contribution on this and other major pieces of collaborative work over the past few months. In March and April this year the members of the ACT Aboriginal and Torres Strait Islander Elected Body facilitated two community forums on behalf of the ACT government. These forums brought together Aboriginal and Torres Strait Islander community members to identify the key focus areas for their community and discuss issues such as reconciliation, self-determination and the attributes of positive relationships between the community and government.

The ACT Office for Aboriginal and Torres Strait Islander Affairs also hosted four workshops for internal and external stakeholders, which included representatives from a number of peak services and organisations working with the ACT Aboriginal and Torres Strait Islander community. These workshops generated quality feedback and advice that helps build and support positive working relationships between the community, government and stakeholders.

During this consultation process we canvassed many different stakeholders, including presentations to and discussions with the United Ngunnawal Elders Council and community leaders. As Minister for Aboriginal and Torres Strait Islander Affairs, I also hosted a ministerial roundtable that brought together different stakeholders from the community, service partners and ACT government for a dynamic collaboration on the whole-of-government agreement.

Through this comprehensive process the community and stakeholders articulated a strong shared vision of equitable outcomes for individuals and a commitment to supporting Aboriginal and Torres Strait Islander peoples, the community and their organisations to develop the opportunities, knowledge and skills to build an empowered, resilient and sustainable future.

I have been impressed by the interest that has been expressed by the Aboriginal and Torres Strait Islander peak organisations to support the agreement and the level of community ownership that has been achieved to date. It has been positive for members of the community to see their words and feelings incorporated into the body of the agreement and for their visions of the future to be reflected in the statement of commitment to reconciliation.

The agreement has been built around the community and stakeholder feedback that strong families are key to improving the resilience of Aboriginal and Torres Strait Islander people and supporting the shared vision of equitable outcomes for members of the Aboriginal and Torres Strait Islander community in the ACT. The community feedback identified a number of focus areas that impact on the resilience of families.

During consultation, community members spoke about the need to develop positive cultural identity among children, young people and young adults so that young Aboriginal and Torres Strait Islander Canberrans have the positive self-esteem to aspire to their personal life goals. Community members and stakeholders spoke about the need to ensure that all Aboriginal and Torres Strait Islander people in the ACT

feel safe in their homes and the wider community. Issues such as access to secure housing, positive interaction with statutory services and culturally appropriate support for families dealing with instances of drug or alcohol addiction, mental health concerns or domestic violence were all identified as factors that impact people's ability to feel safe.

Consultation workshops also discussed the importance of developing education and employment pathways to support Aboriginal and Torres Strait Islander people transition through the different life stages as seamlessly as possible. Feedback reiterated the importance of early childhood development, educational support for Aboriginal and Torres Strait Islander students in the ACT, and the provision of meaningful employment opportunities for Aboriginal and Torres Strait Islander people in the territory. As we improve these individual areas we will build and grow strong families and a pursuit of our shared vision of equitable outcomes.

The Office for Aboriginal and Torres Strait Islander Affairs is currently incorporating the final feedback from the signatories into the agreement. The ACT Aboriginal and Torres Strait Islander Elected Body has provided valuable feedback on the focus areas and headline indicators identified in the agreement. I look forward to joining the Chief Minister, in my capacity as the Minister for Aboriginal and Torres Strait Islander Affairs, as signatories to the agreement when the document is complete. I look forward to presenting the finalised ACT whole-of-government Aboriginal and Torres Strait Islander agreement to the Legislative Assembly early in the new year.

Question resolved in the affirmative.

## **Dangerous Substances (Asbestos Safety Reform) Legislation Amendment Bill 2014**

Debate resumed from 30 October 2014, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (10.29): The opposition will be supporting this bill. The bill is timely, as the public accounts committee is looking at the whole issue of funding the remediation of Mr Fluffy houses, and of course the Treasurer has just tabled the bill to fund that work. The purpose of the bill is to amend the Dangerous Substances Act 2004 and the Dangerous Substances (General) Regulation 2004 to adopt chapter 8 of the national model Work Health and Safety Regulations, which have been agreed to at the commonwealth level. The importance of harmonising work safety legislation is one of the key priorities of the Council of Australian Governments national reform agenda, and at that time the Work Health And Safety Regulations 2011 did not adopt chapter 7, which covers hazardous chemicals; chapter 8, which covers asbestos; or chapter 9, which covers major hazard facilities. These matters continue to be regulated under the territory's dangerous substances legislation.

Together with the Work Health and Safety (Asbestos) Amendment Regulation 2014, this bill will harmonise the territory's asbestos management framework with that of other jurisdictions, improving safety outcomes and reducing compliance costs for

business. To achieve harmonisation the bill also makes consequential amendments to a range of legislation, including the Building Act 2004, the Building (General) Regulation 2008, Construction Occupations (Licensing) Act 2004, Construction Occupations (Licensing) Regulation 2004 and the Work Health and Safety Act 2011. This is mainly drawn from the explanatory memorandum, which is a good summary of what the bill does in this case. It would appear only one jurisdiction—Victoria—is going it alone, and I understand WA is yet to regulate in this way.

As we all appreciate, the changes in the bill are timely, as harmonisation will allow for interstate workers to take part in the Mr Fluffy program. I note from the Chief Minister's speech that the government are saying they have gone further than required in a number of areas. She said on 30 October:

This legislative reform package adopts the national harmonised asbestos safety model regulations, with a small number of significant adaptations ...

Some examples of those adaptations are that the bill removes the ability for an unlicensed but competent person to undertake functions reserved for licensed asbestos assessors in the territory. For those that might have loose-fill asbestos in their homes, to know it is being done under a licensed regime will give some comfort, and, given the dangerous nature we all now understand that asbestos brings to the community, it is important that we have a regime in place to make that happen. Of course, the other thing the territory has done is to mandate an asbestos awareness training course that all workers who are going to be involved in the removal of or working with asbestos have to undertake.

In our consultation with various industry groups they have been very pleased particularly with the concentration of the power in WorkSafe, with the commissioner, in an endeavour to make it a one-stop-shop so that when the work for demolishing, removing and remediating the sites of the Mr Fluffy homes gets underway we can at least have a single port of call. That has to be a good thing for all involved. The opposition will be supporting the bill.

**MR RATTENBURY** (Molonglo) (10.33): This bill proposes to adopt into ACT law the nationally agreed model Work Health and Safety Regulations on asbestos. The process was actually started several years ago in the ACT when the territory adopted the broader harmonised Work Health and Safety Act and regulation. However, at that time the ACT decided it would not adopt the model regulations that covered asbestos. Members may remember there was concern at the time that the national standard could weaken the ACT's asbestos management regime, so we explicitly did not adopt the model asbestos regulations at that time. The proposal to adopt them now raises the obvious question: do these model regulations improve our asbestos management scheme or is there a risk that they will weaken it?

Officials from the Chief Minister's directorate provided my office with a helpful briefing on this and other issues. The model regulation is also available online for review. I am assured and confident that the asbestos management regime we are adopting via this bill and the complementary regulation will be as strong as the one we currently have and, in fact, will have several advantages.

Attempting to adopt the regulations into the ACT's existing dangerous goods legislation, as was originally intended in 2011, proved to be unwieldy. Some of the difficulties included issues with definitions, issues relating to duty holders and that the structure of the legislation was not a good fit for adopting the model regulations. The model regulations will place duties on a person conducting a business or undertaking. They are prevented from carrying out or directing or allowing a worker to carry out work involving asbestos other than in specified circumstances. They also have a general duty to eliminate or minimise exposure to airborne asbestos at the workplace as far as is reasonably practicable.

Other obligations include ensuring the presence and location of asbestos at the workplace is clearly indicated, training workers, and notifying the regulator—that is WorkSafe—about asbestos removal work, which may only be undertaken by licensed asbestos removalists.

The existing ACT regulations already use a licensing and compliance model for asbestos removalists. The model regulations will replace this regime, centralising the licensing with other work health and safety laws. This will be managed by JACS instead of the current system which shares the regulation between EPD and JACS.

In relation to demolition, the regulation requires people conducting a business or undertaking to identify and as far as practicable remove asbestos before any demolition occurs. The requirements extend to the demolition of residential properties, something not included in our existing Dangerous Substances Act, so it is of particular importance to the government's loose-fill asbestos task force. This new regulation will require advanced notification of WorkSafe before asbestos removal work is conducted on any homes contaminated with loose-fill asbestos.

The notification is a good improvement on the current asbestos framework as it will allow WorkSafe the opportunity to check the work before it occurs. For example, it will be able to validate that those proposing to undertake the work are properly licensed. It is a better administrative arrangement to have these powers and administrative functions centralised in WorkSafe, which has expertise in this area and has recently been provided with additional resources. It also has experience and expertise in the area of building and construction, and a lot of its efforts have been focused in this area since the getting them home safely report.

The model regulation also requires a person with management or control of a workplace to identify asbestos, keep an asbestos register and an asbestos management plan and remove asbestos as far as is reasonably practicable before work such as refurbishment is done at the workplace.

In addition to the new model regulation, which focuses on the workplace and people with duties at the workplace, the ACT Dangerous Substances Act will continue to operate. It creates a general safety duty on everybody involved in handling dangerous substances regardless of whether they are in the workplace or not. I understand that the Dangerous Substances Regulation will also soon be updated to clarify obligations and offences around the removal of asbestos from other premises that are not workplaces.

One of the advantages I can see of adopting this new regulation is that it will clarify the regime before the commencement of the Mr Fluffy asbestos remediation program, including in relation to residential premises. As New South Wales has adopted the model regulation, it will also harmonise our laws with New South Wales and allow mutual recognition of assessors and removalists. This will mean a larger group of assessors and removalists will be able to work in the territory at a time when these skills will be in great demand. It will reduce the chance of there being delays in the assessment and remediation of the affected properties.

To conclude, I will be supporting the bill to implement these improvements to ACT asbestos management. Asbestos has left an awful legacy in the ACT, affecting many people's health and property. It is critical that we continue to have an effective regulatory regime to deal with it and to protect the people who will be working with asbestos or who are at risk of being exposed to asbestos. In my view, this bill and the model regulation will improve administration of the asbestos framework, improve its application to residential properties and have the advantage of harmonising our system with New South Wales.

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (10.39): As the minister responsible for workplace safety, I am extremely proud to be part of a government that has taken such a firm stance on asbestos safety. This asbestos safety reform package contains forward thinking policies aimed at preventing exposure in the home and in the workplace.

The government will no longer accept complacency about asbestos. Although the risks of contracting an asbestos-related disease are relatively low, the consequences are grave. Most work health and safety failures have immediate consequences. You might break a leg or burn a hand. In contrast, what is out of sight is all too often out of mind and asbestos-related diseases like mesothelioma can have a latency period of up to 40 years.

However, the figures referred to by the Chief Minister when introducing the bill are a stark reminder of the dangers posed by asbestos. It is estimated that by 2020 there will be 40,000 diagnosed cases of asbestos-related lung cancer in Australia and an additional 13,000 Australians will have developed mesothelioma. These statistics alone should remove any semblance of complacency about asbestos safety.

It is also important to note that these statistics do not capture information relating to mental health issues arising from asbestos exposure. The stress and anguish felt by those who have been exposed to asbestos can be long lasting.

As with most reform packages, the first step needs to be education. Earlier this year the territory mandated an asbestos awareness training course that must be undertaken by workers who carry out, or may carry out, work involving asbestos from 1 October. A list of occupations that must undertake this training course was also declared.

Giving workers the knowledge to identify asbestos-containing material is a vital first step in increasing asbestos safety in the territory. I am aware that over 14,500 people have attended this training course to date. It is also important to note that this training course is not just for tradespeople. Other occupations which are required to undertake the course include pest control inspectors, architects, commercial cleaners, locksmiths, telecommunications technicians, and even interior decorators. In fact I would encourage anyone considering DIY jobs around their home to take this course to learn what asbestos looks like and where you are likely to find it in your home.

To further facilitate public education about this asbestos reform package, WorkSafe ACT and the Office of Regulatory Services are working on fact sheets to assist tradespeople and home owners in understanding their duties. I anticipate these will be finalised shortly and publicised widely.

Following on from education, it is important to have a competent and committed safety regulator to oversee and enforce the legislation passed by the Assembly. I am confident that WorkSafe ACT has the skill and expertise in this important area of regulation.

In adopting the national model asbestos regulations, WorkSafe ACT will now be notified five days prior to asbestos removal activities taking place. This new notification provision will allow the safety regulator to be increasingly proactive in its oversight of asbestos removal through early engagement in the process. WorkSafe ACT will also be responsible for enforcing the government's decision to no longer allow the removal of up to 10 square metres of non-friable asbestos or asbestos contaminated dust without an asbestos removal licence.

From 1 January 2015 all asbestos-related work, including assessment, identification and removal, must be undertaken by an appropriately qualified asbestos removalist or assessor. This will also apply outside workplace settings—for example, do-it-yourself home renovators.

This is because the government acknowledges the importance of licensed asbestos professionals in the safe removal of asbestos throughout the territory. We have also retained the requirement for risk assessments to be undertaken and reviewed by a licensed asbestos assessor. This is a provision currently captured in the dangerous substances legislation but not provided for in the national model regulations.

The government has also maintained the highest possible standards for asbestos identification by specifying that this work must be undertaken by a licensed asbestos assessor, not merely by a “competent person” as defined in the model regulations.

In considering the implications of the bill, members should understand that protecting our community today will reduce the health impacts of asbestos in years to come. The federal government publication *Asbestos: a guide for householders and the general public* states that “there is no safe level of exposure to asbestos fibres”. Our focus must therefore be on preventing this exposure, as this is the only true means of preventing asbestos-related diseases.

The ACT government will not shy away from the fact that we want to have the strongest asbestos safety legislation in the country. Recent decisions taken by the government should put beyond doubt our commitment to minimising as far as possible the risks of asbestos exposure in the community.

I strongly support the passage of this bill, and commend the Chief Minister on working so hard to protect the safety of those of us who live and work in the Canberra community. I commend the bill to the Assembly.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (10.45), in reply: The Dangerous Substances (Asbestos Safety Reform) Legislation Amendment Bill 2014 amends the Dangerous Substances Act 2004 and the Dangerous Substances (General) Regulation 2004, the Construction Occupations (Licensing) Act 2004 and the Construction Occupations (Licensing) Regulation 2004, the Building Act 2004 and the Building (General) Regulation 2008, and the Work Health and Safety Act 2011.

In short, these amendments facilitate the ACT's adoption of national model asbestos safety regulations and codes of practice within our work health and safety laws. Importantly, they preserve and strengthen key elements of the ACT's framework which the government has always been determined to maintain in this national harmonisation process.

It is also important to stress that, while the reforms contained in this bill will support the major task of demolishing and disposing of the Mr Fluffy homes, this is about safety and best practice for the handling of all types of asbestos by all members of our community.

The model regulations will be adopted into territory law through subordinate legislation—the Work Health and Safety (Asbestos) Amendment Regulation 2014—with both the bill and the amendment regulation to commence on 1 January 2015.

Applying the national regulations brings a number of measures into the ACT's asbestos safety regime, including clarifying safety management procedures for removing asbestos from residential premises, requiring the work safety regulator to be notified five days prior to asbestos removal occurring, and health monitoring provisions for workers who are exposed to asbestos.

As I informed the Assembly when introducing the bill, the reform package does not adopt the national model regulations word for word; rather, the government has been diligent in ensuring that safety standards in the territory are not reduced as a consequence of the reform—and, where possible, we have made decisions that strengthen asbestos safety regulation over and above that of other jurisdictions.

For example, risk assessments must be undertaken by a licensed asbestos assessor in situations where friable asbestos is identified. The territory has mandated an asbestos awareness training course that must be undertaken by all workers who may be exposed to asbestos during their work. It is no longer permitted to remove up to

10 square metres of non-friable asbestos or asbestos contaminated dust without an asbestos removal licence. These changes will result in the territory having the strongest asbestos safety laws in the country.

On a regulatory level, one of the key changes arising from this bill is the transfer of the asbestos removalist and assessor licensing, compliance and enforcement functions from the Environment and Planning Directorate to the Justice and Community Safety Directorate. As a result most of the amendments relating to the Construction Occupations (Licensing) Act and the Building Act only operate to remove references to or clarify definitions of asbestos removalists and assessors. This change aligns the territory with harmonised jurisdictions, all of which oversee asbestos licensing through their work health and safety laws. It will also improve the mutual recognition of asbestos licences between harmonised jurisdictions.

Another key change arising from the bill is the transfer of asbestos work safety laws from dangerous substances legislation into work health and safety legislation. This change will provide modernised and harmonised work safety requirements for all workers.

The work health and safety laws provide greater direction in terms of what duties must be met when a worker is working on a residential site where asbestos is present. Importantly, however, dangerous substances legislation will continue to regulate asbestos in circumstances where work health and safety legislation does not apply. The most common example of this is a home owner removing asbestos from their house in the course of do-it-yourself home renovations.

As a result of the government's reforms, from 1 January 2015 a person must not remove asbestos or asbestos-containing material from any premises unless the person is an appropriately licensed asbestos removalist. The only exception to this will be if the removal is non-friable asbestos or asbestos-containing dust incidental to minor or routine maintenance work or other minor work at the premises. To ensure clarity on this change, guidance for both workers and home owners will be developed and published.

To date asbestos safety has focused on the employer-employee relationship—requiring employers to ensure the safety of their workers. These new reforms bring a new focus on community safety and stronger protections for residents, home renovators, neighbours and others in the Canberra community. This is a unique, forward-thinking policy not mirrored by any other state or territory.

What this means for home owners is that, if you are planning DIY renovations on your home, and it was built before 1 January 2004, you should engage a licensed asbestos assessor to determine whether asbestos is present before you start work. If asbestos is present, you should engage a licensed asbestos removalist to remove it.

Community awareness around asbestos will continue to be vital to ensuring the effectiveness of these reforms and the government will continue to promote awareness and education—through our web presence and other media—combined with high industry standards and appropriate enforcement activities undertaken by the work safety regulator.

On this point we expect the highest safety standards from our tradespeople. They are crucial holders of knowledge and expertise in the safe handling of this substance which, despite what we would all wish for, we will have to manage as part of Canberra's built environment for a long time to come.

I would like to take the opportunity to thank the Master Builders Association, the Housing Industry Association, the Electrical Trades Union and the Construction, Forestry, Mining and Energy Union for their active support and input into this safety reform. They, like the government, are seeking to put the safety of their members and all Canberrans as the highest priority in this work.

The government looks forward to continuing this cooperative approach, underpinned by these important legislative reforms, to continue to strive for best practice in the safe management of all forms of asbestos in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Exhibition Park Corporation Repeal Bill 2014**

Debate resumed from 23 October 2014, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (10.52): If nothing else, Mr Barr is consistent, and in this case he has honoured one of his promises. He did say on 5 May 2009:

I advise the Assembly that we can expect to be revisiting this matter as a regular occurrence.

And here we are. We had a bill that dropped the size of the board, I think to render it unable to do its job properly. We have had a bureaucracy that has stifled the future of EPIC. I think it was in the estimates of 2006 that I first asked the then Chief Minister, Mr Stanhope, where was the master plan. Some eight years later, we are yet to have a master plan for EPIC. We had a strategic document, a one-pager—it was not much of a strategic plan—and I understand the master plan is still being worked on. It will be the most lovingly crafted master plan ever constructed, given the amount of time it has had in its genesis.

But the problems that beset EPIC are problems of the government's creation, and they are saying that the answer to these problems is to allow the government to drag it back into the bureaucracy and then everything will be okay. The government clearly has its numbers. Mr Rattenbury has changed his view of the world. That is what comes from

sitting on the ministerial bench and being inside cabinet, I guess. But the question is: at the end of the day, will we get something better with regard to the management of EPIC? I do not think there is anything in what the minister has said that indicates that will be so.

Let us look at what has happened since May 2009. We had a bill some years later where the size of the board was dropped, with a minimum of three and maximum of five members. The board, to my understanding, is currently operating with three members, one of whom is the CEO. That is the government's attitude to an asset of the territory—it will just run it down in this way. I honour the two members still on the board—Mr Barclay and Ms Hendry—for the work they have done, but if you have been nobbled by the government, then, of course, EPIC is not to go ahead. That was clearly the way this Treasurer saw things playing out, and so the Treasurer has had his way. It is a shame, because he said on 5 May 2009:

We do have a vision for the future of EPIC, which includes the development of low-cost accommodation.

You could ask the question: is that low-cost accommodation open some five years later? Has the vision been realised? The answer is, no, it has not, because this is a government that has put so much bureaucracy and so much red tape in the way of any organisation getting ahead, including a government-owned corporation. What we see is EPIC languishing because of the disinterest this government has in allowing it to act as a corporation—to use the flexibility that that approach gives—and to get on with running a great business.

EPIC is a great thing for the ACT. It grew out of the showground that was established in the 60s. We know the Canberra show has its home there; the harness racing has its home there. It is a venue for some larger conferences or exhibitions that require a particular sort of exhibition space. We know the folk festival is there. These are all events that work very well. We know, for instance, the folk festival is at capacity because the showground is at capacity. The problem is that we have not had a government that are interested. They are interested in one agenda—that is, control through the bureaucracy, through TVE, of the showground, and it appears they will achieve that today.

Let us go back to what people said. The minister said when he introduced his bill in 2009:

It will be a golden era for Exhibition Park on the successful passage of this legislation. I thank members.

A “golden era”. Does that mean for five years we have not had the golden era of EPIC? If we have not, whose fault is that? The fault clearly lies with the minister and the government for not having the vision or the courage to allow the board to get on with their job. That is the shame of this approach.

We are yet to hear from Mr Rattenbury, but I am assuming he is backing this bill. But what did he say in 2009? What was the Greens' position back in 2009? Mr Rattenbury said:

To me, a question which I still do not understand is: why—

Mr Rattenbury, when you speak I am sure you will tell us why and what has changed—

despite the fact that EPIC has been trying for a number of years to proceed with this plan—

and he was talking about on-site accommodation and, I assume, the master plan—

which strikes me as a very good plan, given the noted shortage of budget accommodation in the ACT, has EPIC not been able to proceed with these plans, despite their clear intent? And that is something that is still not clear to me.

Perhaps you could clarify that for all of us, Mr Rattenbury, when you speak, because five years later it has been a long, drawn-out process. Mr Rattenbury said:

It is not clear to me why moving EPIC into a government department will necessarily improve that situation.

Again, Mr Rattenbury, we look forward to your clarification. He went on to say:

... I think this comes back to the fact there have clearly been some blockages somewhere in the process of EPIC reporting to government. The fact that there is still not quite a full strategic plan for EPIC strikes me as a very odd situation.

A couple of years later we got a strategic plan, which was the forerunner of the master plan but, of course, we do not have that master plan. Mr Rattenbury then went on to talk about the examples of Stromlo Forest Park and Manuka Oval:

... Manuka Oval is an interesting example ... The feedback from those organisations is an interesting one. They said that the loss of the board and the movement into Territory and Municipal Services took away some of the real pride and energy that was brought to it by the groups that were the users of the oval. Instead it went into the department as part of a conglomeration, and you have lost that real value, that real community spirit, that was there in running a venue.

Again, Mr Rattenbury, I look forward to your guarantee that that real community spirit will not be lost. Mr Rattenbury said:

This is one of the key concerns for the Greens about the proposal for EPIC. Where does this leave us?

Well, that is a good question, Mr Rattenbury, and we will find out. Mr Rattenbury then went on to say:

Rather than abolishing the board at this point, we thought there were potentially different ways to proceed: to postpone the abolition of the board for 12 months and assess how it performs in the new portfolio; and to ensure that, with this new portfolio, it gets the licence to move forward and do some of the things that the board has been striving to do and have the space to do that.

They went into the new venue, but did they get the licence? Apparently not, because we are still waiting for low-cost accommodation and we are still waiting for the master plan. Mr Rattenbury, I will be very intrigued as to whether sitting in cabinet has informed you of where the licence is coming from and how it is moving forward.

This is Mr Rattenbury again:

If in 12 months time, at the end of that period, we find that there is still a case that the board seems to be the issue, not the being in a backwater of the Treasury portfolio, then we can reconsider this issue.

We know the board is not the issue because the minister praised the board in his closing speech. He praised people like Brian Acworth; he praised the members on the existing board for the great job they do. In this process, five years later, very little seems to have changed except the minister's desire to have his own way. In 2009 the Greens finished by saying:

For the reasons I have outlined, we feel that there will be a loss of energy and expertise there; it is not a step forward; therefore, the Greens will not be supporting the bill in its current form.

Apparently being in cabinet changes all of that. You get the seat with the government; you get to play with the big boys and you go along for the ride. It will be interesting to hear Mr Rattenbury tell us what has changed and explain how, after five years of being in a different portfolio, things have got so much better. But apparently not a great deal has happened. We still do not see action on some of the proposals that boards have brought to us over the years, and it is that drive, that business acumen, that desire to make something better of what we already have, that will be lost when this occurs. It is that expertise in the business world that something like EPIC deserves.

I assume the master plan has not been progressed because they are still waiting on the tricode study. My memory is that the tricode study for the co-location of thoroughbred, harness and greyhound racing was due out in August. Here we are in November, and we are yet to see that study. Again the EPIC board is nobbled by a government that cannot conduct its own business. It seems to want to blame the board for not progressing anything and not taking that licence that was granted five years ago to move ahead. The issues will not change because you are lessening the influence that you have.

I recall some of the strident words from the minister when we last had this debate about how this was a symbol of microeconomic reform—the \$200,000 saving over the four years—perhaps the only example of microeconomic reform the Treasurer was able to quantify. He said:

... a sensible minor administrative measure that will save taxpayers \$200,000 over the next four years.

That was from 2009 to 2013. What has gone begging in that time because government processes, government red tape and the government's attitude to EPIC have stalled

everything? For an organisation like EPIC not to have a master plan for eight years or more under this government is disgraceful. It reflects very, very poorly upon this government that they were not able to achieve that. It shows they are not interested in microeconomic reform. They could have used one of the facilities that they have control over through the act to ensure that something happened there. They could have used their budget power to make sure things went ahead—but no.

We understand now that the savings are about \$35,000 a year. They have shaved a bit off the sides. Over the four years it might be \$150,000. That is the sort of microeconomic reform this Treasurer brings to this place. I can hear the words now—he goes straight to the slur when he is in trouble—and we will all listen to what the Treasurer has to say when he gets up.

This is a lost opportunity. Certainly the last eight years show that this government is not interested in diversifying the economic base of the ACT. EPIC has a great deal of potential. I think we all agree on that. Mr Rattenbury thought it had been issued with a licence, but clearly, after the bill had been lost, the licence was cancelled. We have seen the board reduced in size. We have seen a lack of a master plan being put in place, and that says that this government are not serious about EPIC. They simply want it back in the department so that it is just another function of the department. The opposition believe that would be a bad thing. It is for that reason that we will be resisting the bill today.

It is interesting that order of the day No 3 is a debate on the Canberra Institute of Technology Amendment Bill, because it is a bill that proposes to put a board in place. On the one hand we are removing the EPIC board and saying that that is a good thing because it leads to greater efficiencies and integration and all those sorts of buzz words that the Treasurer likes to use. Then on the other hand we have the education minister saying, “No, we’ll get rid of the advisory board and establish a governing board replacing the existing CIT advisory council.” It must be difficult on that side to work out where they are today. “No boards; bring them back into the department” is a good thing at 11.05, but by about 11.30 having a board to replace an advisory council will be a good thing.

I ask members on the government benches: what is appropriate here? Of course, I can hear the line: “horses for courses; it’s appropriate in this case”. If dragging EPIC back into the department, into Territory Venues and Events, leads to efficiencies, on that sort of logic one would almost assume that dragging CIT back into the department of education would lead to the same sorts of efficiencies but on a much larger scale. To paraphrase the minister, if we want some genuine microeconomic reform and some genuine savings, perhaps looking at CIT might be the way to go. But we will prosecute that later; I am sure Mr Doszpot will have plenty to say about the inconsistent approach this government has.

This is simply about a minister having his way. He had a bright idea; he wants his bright idea to go ahead. There is only one bright idea, and it is the little bubble above the head of the Treasurer. This is his shining example of microeconomic reform. We on this side believe it will be to the detriment of EPIC. We have seen at least eight years of EPIC being ignored. We know that in the last five years, under this minister,

that has continued. We know that the licence Mr Rattenbury spoke of never existed, and we know this will be another debacle brought about by the government. It will limit the way that EPIC could grow and it will take away the experience the private sector brought to the management of EPIC—which we know the minister appreciated because he praised their input. We think this will be a very, very poor outcome for the people of the ACT.

**MR RATTENBURY** (Molonglo) (11.06): I rise to make a well-anticipated speech. The Greens will be supporting this bill today, which will deliver the integration of Exhibition Park into the Chief Minister, Treasury and Economic Development Directorate under the Arts, Business, Events, Sport and Tourism Division through the repeal of the Exhibition Park Corporation Act. Members of this place who were here will recall that in 2009, as Mr Smyth has extensively outlined—and as I anticipated that he would—the Greens did not think that the government provided sufficient justification for the removal of the EPIC board and the integration into government. But five years on I do think the case has made much more clearly as to the benefits of bringing EPIC into government, due to a number of clear benefits for the community.

Firstly, it is clear now that the level of governance for such a small organisation as a territory-owned corporation is onerous and is not efficient. Secondly, EPIC delivers a significant level of in-kind community support. It is important to the Greens that the in-kind community support continues as EPIC is fundamentally a community facility ahead of a corporate facility. And, thirdly, I believe the government has better demonstrated how integrating EPIC with government will benefit Canberrans by providing a more efficient service across different venues.

EPIC is a community facility that should be run with the benefit of the community at its heart. I think that this is the most important point to consider here in thinking about what is the right governance model for this organisation. Certainly, knowing that none of the wonderful community events, such as the farmers market, the folk festival or the Canberra show—or any of the other many hundreds of events that take place each year—will be affected by this change has been an important consideration for me in thinking about what is the right governance model. It is clear that that level of in-kind community support will continue and that Exhibition Park will continue to be a really important venue in this city.

Back in 2009 we considered that there were several reasons to keep Exhibition Park as an independent territory-owned corporation with an independent board. As I have touched on, the issues that I looked at then were the value of EPIC as a community facility and the struggles of EPIC to progress in recent years, particularly in relation to accommodation and land acquisition. Certainly at the time the board were not at all keen to be integrated. There were certainly positives in terms of energy, expertise and commitments, but the negatives seemed to be built around the constraints that EPIC had faced at that time.

At the time the Greens formed the view that there was value in retaining a board with a range of community input and experience. Our concern was to retain a level of community input into the future of EPIC. In that regard we were very pleased to see the government establish a community advisory committee to try and access some of

that community input. Certainly, at the time there were those in the community saying to us that they wanted to have a greater involvement. We were not trying to be absolutist in the continuance of the board, and indeed we suggested that the government, firstly, postpone the abolishment of the board for 12 months to assess how it performed under the new portfolio, reduce the fees of the board in order to seek a level of savings and investigate alternative models of governance which engage the community. Now, five years on, some of those things have taken place. Having reviewed what has happened in those intervening five years, I think that it is right to look at a further change.

The community advisory group was abolished after two years due to a lack of issues for the community to focus and engage on. Mr Smyth has given great chapter and verse today about how it is outrageous that five years on I am changing my mind. Five years down the track some of the things we talked about in 2009 have been tried. I think it actually takes a level of integrity to be able to come into this place and say, "I have changed my mind." Things were done. Mr Barr followed through on some of the commitments he gave in 2009. They have not proven to be the solution that we hoped for, so now it is time to look at something different. I am a bit more comfortable with my position than one that comes in here and says, "I'm not prepared to move my position. I'm going to give the same speech I gave five years ago." I am more comfortable with the position I sit in on that one than I might be in the other position.

I was talking about the community advisory group. It was established and, as I said, after two years it was abolished due to a lack of engagement. But there has, however, been ongoing, regular contact with stakeholders and users. In 2011 the Assembly passed a bill to reduce the number of board members. We now have three members—the CEO and two others. So it is quite a small board.

Over the past four years, I understand, the operations of Exhibition Park have been more closely aligned with government. They have aligned reporting arrangements, and the IT and HR systems have been aligned. That has been done in order to improve efficiency. Exhibition Park has continued to struggle to balance its bottom line. These steps have already been taken to try and achieve that. But EPIC has been left with overly onerous governance and business obligations for the size of the organisation. It is important to reflect on the sheer size, or lack thereof, of the actual facility.

Its legal status means that Exhibition Park is required to have a separate internal audit and risk management committee. It is also required to have separate policies and procedures and business systems in place for things such as fraud control, emergency management plans, business continuity plans, a range of financial systems, asbestos management plans, board and staff codes of conduct, annual reporting and statements of intent—all of those things that need to be done in an entirely separate way and where there is clearly a potential for greater efficiencies if some of these things are integrated with some of the other venues across the city.

In terms of its financial performance, Exhibition Park has provided around \$700,000 of in-kind support to the community. This would mean it is not necessarily a viable commercial venture, particularly when providing that level of in-kind support. However, I am not sure that it is appropriate for EPIC not to provide that kind of

support, given that it is a facility that should be run for the benefit of the community. Perhaps it is better that EPIC is run as a community facility supported by government, recognising that very high level of in-kind support and how integral it is to myriad organisations across this city. When we think about the events that take place at Exhibition Park, the one that springs to mind is the Lifeline book fair, which of course is a beneficiary of some of that in-kind support.

There are, in my view, benefits of bringing EPIC back into government. There are the opportunities of integrating with similar facilities such as GIO Stadium, Manuka Oval and Stromlo Forest Park. I note the comments that I made in 2009, which Mr Smyth helpfully quoted to the Assembly, which, again, he was always going to do. I will simply say that I have looked at the way those venues are operating and I do see synergies there and I do see potential. I have simply changed my mind on that.

What this means is that there will be an ability to maximise the expertise across these organisations in terms of things like event planning, sales and marketing, venue management, contract management, asset management and security and insurance. These are all common day-to-day issues that need to be dealt with in all of these venues. There clearly is a level of commonality for which there is benefit both in terms of efficiency and knowledge sharing. The government will be able to maximise efficiencies around streamlining supplies and services, contracts, utilisation of resources and equipment shared, integrated policies and procedures and also revenue opportunities when trying to attract events to the territory.

The EPIC board is supportive of integration occurring now. That too is a shift from five years ago when there were mixed views on the board about the reintegration into government. In summary, I simply say that there are too many reasons why EPIC should now be brought into government, and it would be churlish of me to disagree that there are demonstrated efficiencies for the government and EPIC simply because I had a different view five years ago.

I assure Mr Smyth that I could have disagreed. The possibility certainly exists in the parliamentary agreement, but I have sought to take an approach of actually weighing this issue on its merits and, as I said, having a willingness to change my mind when the evidence suggests that there may be a better way to go forward. More importantly, I am now convinced that having a board and a separate governance arrangement does not improve the benefits that the facility can provide to the community, and that is the most important thing. The benefits to the community may well be greater if EPIC is integrated with other government venues.

At the end of the day, my position in 2009 was about getting the best outcome for the community in terms of the facilities that are available at Exhibition Park. That remains my position in 2014—that we are looking for the way to get the best benefit for the community out of this important community resource that so many Canberrans value and visit each year. On that basis I will be supporting the bill on behalf of the Greens, and I am happy to vote for it today.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events) (11.16), in

reply: I am very pleased to be here again today debating this bill, and I thank members for their contributions. The Exhibition Park Corporation Repeal Bill 2014 repeals the Exhibition Park Corporation Act 1976 that established the Exhibition Park Corporation as a statutory authority that administers Exhibition Park in Canberra.

This bill will allow for the integration of the functions, staff, assets and liabilities of the corporation into the territory venues and events area of the Chief Minister, Treasury and Economic Development Directorate. The government maintains its view that managing EPIC alongside other territory venues is the best way forward for this important asset. As Mr Rattenbury has indicated, this view is indeed supported by the Exhibition Park board.

Mr Rattenbury also indicated that a corporation has obligations that must be met, regardless of its size. It is simply inefficient, Madam Deputy Speaker, to have an entity this small develop its own policies, procedures and business systems to comply with governance and the Work Health and Safety Act 2011 requirements, including risk management frameworks and registers, fraud control plans, emergency management plans, business continuity plans, financial systems, asbestos management plans, board and staff codes of conduct, annual reports, statements of intent, strategic plans and WHS policy, and also undertake a separate internal audit and risk management process to consider and monitor risk management audit and fraud activities.

These governance and management matters will need to be addressed after this change, but there is an opportunity for the synergies and efficiencies in developing systems, policies and procedures to apply across the full range of territory venues. As I said when I introduced this bill, integration within the directorate will provide opportunities for streamlining the provision of supplies and services and contract management, and enable the shared use of equipment and resources. This change also provides opportunities to share expertise across territory venues, and it is important for staff working in this area, who get the opportunity now to work across a wider range of event planning, sales and marketing, security, insurance and other management issues.

Repealing the act and integrating the functions into the directorate provides a better match between the governance structure and the way that such facilities are managed for the community. This issue that I have discussed was, of course, the subject of considerable debate and discussion in the public accounts committee annual report hearings. I pointed out then that an unnecessary tension is created when there is a corporation structure which ultimately seeks to return a profit yet is also required to deliver government support for events and activities through concessional access, support which—

**Mr Smyth:** Then change the arrangements.

**MR BARR:** They are changing the arrangements, Mr Smyth, quite definitively—it amounted to nearly \$700,000 in 2013-14. As I made clear when I introduced the bill, this support will continue into the future. This change has been developed so that it does not impact on the events and activities enjoyed by the community, from very large annual events such as the Royal Canberra Show, the National Folk Festival and

Summernats to Lifeline's book fairs and, of course, the weekly Canberra Region Farmers Market and very regular dog shows. Equally, this change will not impact on the development of the low-cost tourist accommodation site, which will boost our capacity in that sector of the market.

I would also like to reiterate that staff will remain public servants, as they currently are, and I thank them all for their ongoing work in managing and maintaining the facility for the community. This change is about bringing like functions together rather than achieving large savings. Having said that, I do expect that this change will result in some savings in the order of \$140,000 due to the EPIC board being abolished—that figure being over four years.

I take the opportunity, in closing this debate, to thank Peter Barclay, Robyn Hendry and Liz Clarke—the CEO of Exhibition Park—for their service. I would also like to thank past board members for their contributions. I am pleased that Ms Clarke will continue to be involved in the management of this important venue in her new role in the Territory Venues and Events group within the directorate, which will ensure that the valuable corporate knowledge and expertise that Ms Clarke holds will be retained and will facilitate a smooth and seamless integration.

I would like to thank the Standing Committee on Justice and Community Safety, in their legislative scrutiny role, for their review of the repeal bill. The committee commented on clause 1.1 of schedule 1 of the bill, the Henry VIII clause. I note that the committee raised no objection to this clause and that no response is required.

Madam Deputy Speaker, the government is committed to regulatory reform. This repeal bill is in line with our work to remove outdated and unnecessary legislation. I think we can be pleased today to finally say goodbye to a piece of legislation that is more than 40 years old and is no longer required. I commend this bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 9

Mr Barr  
Ms Berry  
Dr Bourke  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Gentleman  
Ms Porter  
Mr Rattenbury

Noes 8

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mrs Jones  
Ms Lawder  
Mr Smyth  
Mr Wall

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Canberra Institute of Technology Amendment Bill 2014

Debate resumed from 30 October 2014, on motion by **Ms Burch**:

That this bill be agreed to in principle.

**MR DOSZPOT** (Molonglo) (11.26): It is no over-dramatisation to say that the CIT has had a somewhat turbulent few years, even if we put aside the ongoing bullying allegations—allegations that have not gone away, no matter how much the two previous ministers for education and now Minister Burch might wish it to be so. The internal management and fiscal future of the CIT have been an ongoing concern for the CIT executive team.

The genesis of this legislation was in 2010, when the then minister for education, Mr Barr, formed a task force to consult with stakeholders over the future of tertiary education delivery in the ACT. One of the 12 recommendations of that task force was for the University of Canberra and CIT to investigate new ways to collaborate. The government engaged Professor Denise Bradley and, notwithstanding the short time frame she was given and the very narrow inquiry parameters, she produced a report in August 2011 that said a number of things about the two tertiary institutions in the ACT, and particularly the financial position of CIT in the years ahead.

Of particular significance was Professor Bradley's statement that the status quo was not an option for CIT and that it needed to either merge with the University of Canberra or establish itself as a body with greater autonomy to allow it to better compete in the emerging tertiary market. The merger option was hotly contested and argued and the government let the matter lie.

Now we have moved forward three years, and, lo and behold, the government has decided to listen to Professor Bradley and take her advice that CIT should become more autonomous. Interestingly, this bill and changes to governance structures at CIT come at the very same time as the government has done quite the opposite in the case of EPIC, which Mr Smyth has covered in quite a bit of detail this morning. We certainly hope that CIT's new arrangements do not have a similar fate.

Returning to the bill at hand, the minister outlined in her speech when introducing the bill that there have been many changes that have taken place in reforming the TAFE sector. The ACT government, in committing to the national partnership agreement on skills reform, agreed to support CIT to continue to thrive in a more competitive market.

The explanatory statement sets out the major amendments as the establishment of a governing board replacing the existing CIT Advisory Council, an independent chair and deputy with extensive contemporary expertise and knowledge of industry and business, and the establishment of a CEO appointed by the governing board to replace the current director of the institute position.

While it allows the governing board to set fees, it gives the minister the power to issue guidelines on fee setting for government subsidised services with which the governing board must comply. The explanatory statement and the minister both emphasise that the effect of these amendments is to create a more agile CIT, able to better respond to changing circumstances, including financial circumstances, in the VET and higher education market.

CIT is unique among public TAFE providers in that it is a sole public provider of vocational education in the territory, so it is important that government gets CIT's governance and financial arrangements in balance. The minister said in her speech:

The ACT community expects a lot from CIT as the premier provider of training services ...

The minister commented in her speech:

One of our biggest challenges is raising the profile of vocational education and training and ensuring its benefits are understood right across our community.

I absolutely endorse those comments. I think there is a tendency to attach almost a snob value to a university education and to downplay the important role that vocational training plays in our growing Canberra.

When you scan the diverse range of courses on offer at CIT, the breadth and depth of choice are quite amazing and the delivery choices are also impressive. Students can learn full time, part time, e-learn, study online, on or off campus, and there are also flexible learning options.

CIT has worked hard to ensure it is capturing every opportunity for students to gain qualifications in an area of their interest, and we need to promote that far and wide. That is why we fought hard against the notion of merging CIT with the University of Canberra. CIT has a unique place in Canberra's education sector and it needs to be supported and encouraged.

These new arrangements will hopefully give it an enhanced sense of place and purpose and allow it to grow and create new markets both regionally and internationally. The international market will be an increasingly lucrative sector, and CIT is well placed to capture an increased market share.

When we come to the legislation itself, the opposition will be supporting this bill today. But we do so with some concerns about some aspects of the new arrangements. The first relates to the appointment of the new board. The minister has advised that there will be nine to 11 members on the new board, that it will include expertise or knowledge of industry or business and knowledge of vocational education and, in addition, members with social policy expertise and governance, human resources or legal expertise. She said that this will ensure that a broad range of skills and knowledge are represented. That has all the hallmarks of a skills-based board, and I think in today's governance climate that is absolutely critical and essential.

However, when I questioned officials in a briefing last week, I was advised that there would be no selection panel; nor were they sure whether expressions of interest would be called for. I understand that, in effect, the minister will be choosing the board, presumably from a list supplied by the directorate.

I am disappointed that the government, having decided on a more commercially focused, independent CIT, did not take that one step further and make the board selection an open, transparent process. Some could suggest this is just an advisory council by another name.

My next concern—and it is another I raised with officials in the briefing that the minister’s office provided—is the potential for conflict between the new CIT board and the existing CIT Solutions board. CIT Solutions is a wholly owned subsidiary of CIT and it will be imperative that a new working arrangement be agreed between CIT Solutions and the new board. I trust that this is done quickly and effectively.

The management of CIT has had its challenges in recent years and I have been one of its harshest critics. However, I was the strongest advocate of its teachers and students. Much of what took place occurred before the current director, Adrian Marron, took over management. He walked into a time bomb and has been forced to shoulder much of the heavy lifting in trying to get the issues sorted.

I understand that under the new arrangements his position will transform into a chief executive role and that he has offered to stay on until the new arrangements are in place, to ensure a smooth transition. Given the difficult years, his commitment to CIT is laudable and I place on record the opposition’s thanks for his dedication to the task of heading CIT at such a difficult time.

The final aspect of the legislation that I wish to comment on amends the provision for fees to enable the minister to make guidelines about the fees that CIT may charge for government subsidised training. Again the opposition hopes that this power is used appropriately, minister, and does not impinge on CIT’s ability to remain viable and competitive in the VET sector. I am sure all Canberrans want CIT to be a successful, business-focused vocational education and training provider. As Canberra grows, we want to be sure we have a well-trained workforce and for Canberrans to have access to first-class training.

As I have previously said, the opposition supports this bill and we do so in the fervent hope that CIT continues to focus on the delivery of quality training for Canberra, the region and beyond.

**MR RATTENBURY** (Molonglo) (11.35): The ACT Greens will be supporting this bill. As I have said recently with regard to another piece of legislative change in the vocational education and training—VET—sector, there are major structural challenges facing education in the ACT and the surrounding region, and we need to be adjusting to these challenges with a view to ensuring that the CIT remains a keystone of our education landscape.

The bill before us seeks to create a governance arrangement whereby CIT can meet the twin objectives of operating as a public provider of vocational education and training and operating with a greater commercial and entrepreneurial focus in an increasingly contestable training marketplace.

The ACT Greens believe that high quality, free and equitable education is a cornerstone of a healthy democracy and is fundamental to Australia's continued prosperity. We want a system that provides a range of accessible education and training programs, offering new opportunities to adults at all stages of their lives, including those re-entering the workforce and adjusting to changed circumstances—an aspiration that CIT has firmly at its heart.

There is no point denying that the VET sector has been subject to some political chicanery in recent times, not dissimilar to other higher education reforms. It is also clear that the reforms themselves can at times appear somewhat contradictory in their aims of increasing certain vulnerable target groups' educational outcomes with more government support whilst also heading down more competitive and commercial funding routes and reducing the market share of TAFE-style institutions like the CIT.

In these interesting times, with our strong and much-loved CIT not under threat per se but certainly under pressure, we need to find a way through this maze and achieve a balanced approach that will ensure it can continue to operate as a vehicle of government yet at the same time respond to commonwealth initiatives which result in a more commercial environment. I believe that the bill before us does seek to find that balance.

With a new enterprise bargaining agreement recently endorsed by the TAFE council, thereby providing greater certainty to some staff in particular, this is now a good time to begin preparing in earnest for the bigger national skills reform agenda set for 2016.

I am pleased to see that the bill and the proposed governance arrangements still allow for staff-nominated members, while also allowing for more corporate and business skills minded members. Likewise, while I understand the need to allow the CIT governance body greater flexibility in setting course fees, I continue to support the government and the minister's oversight that allows for guidelines to be enforced, with a focus on subsidised courses that are identified in conjunction with ACT government analysis of specific workforce needs.

We need to be in competition primarily on quality. We want employers to see CIT graduates as employees of choice, and we want students to seek out CIT as a provider of choice. The reputation and status of CIT as a high quality and supportive learning environment will need to be our biggest selling point as more private providers, some of whom will be offering low-cost short courses and certificates, enter the market.

I believe that the ACT has taken a much more collaborative and steady approach to these challenges in recent times, and that if we continue to work through the issues in this fashion we may well avoid some of the troubles we have seen and heard from other jurisdictions where there have been outcomes that I believe are less desirable from an educational point of view and from a social point of view.

The Greens are happy to support this bill today.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (11.39), in reply: I thank members for their comments in relation to this bill today. When I introduced this bill to the Assembly last month I outlined how important skills education is to the continued economic prosperity of our community and that the Canberra Institute of Technology is critical to ensuring Canberra has the skills it needs to thrive.

The bill we are debating today contributes to both significant VET reform, which is increasing access to quality training for Canberrans, and this government's approach to streamlining service delivery. Ultimately, the result we all want is improved educational outcomes for the Canberra community.

Today I want to emphasise to members the main focus of the bill, which is to establish a new governance framework for CIT. The primary feature of this new governance framework is that CIT will be a statutory authority with a governing board, able to make its own decisions in the best interests of CIT and the community and students it serves. The bill will not change the current employment arrangements for staff or enable the governing board of CIT to establish its own industrial regime.

I want to remind members of the important role played by governing boards in the ACT. While the delivery of services by the government is largely done through the established directorate structure, there is a need for other structures to be established which operate in a completely different way to the directorates.

Different models have been put in place by various governments to respond most appropriately to the circumstances at hand. The creation of statutory office holders, commissioners, boards and other entities are all established models which provide a degree of independence from the government and the public service when that is preferred.

In the ACT we have utilised governing boards to deliver outcomes. The Land Development Agency board and the Cultural Facilities Corporation would not have been able to operate as successfully as they have from within the public service. That is not to say that there should be no involvement from government or the public service in the management of these organisations, but it is important to get the balance right.

In the case of CIT and the bill before us, establishing the CIT governing board is the most appropriate way to obtain the benefits of public and private sector expertise and to make financial and other decisions in the best interests of CIT. This governing board will provide greater flexibility and agility in decision-making, which is appropriate for CIT when competing with other training providers.

In particular, I draw members' attention to the breadth of the membership of the governing board prescribed in the bill. The board will have between nine and 11

members and will include expertise or knowledge of industry, business and vocational education. The board will also have members with social policy expertise, financial and governance expertise, and human resources or legal expertise.

The inclusion of two nominees from government directorates also contributes to the balance of the membership, which will assist the board in meeting the CIT's objectives of operating as a public provider while having the imperative of a flexible business organisation.

I also draw to the attention of members the fact that there will be an elected staff member and a student member appointed to the governing board. This will provide the best avenue to ensure that views about the management of CIT from those who understand its daily operations in a practical sense are conveyed to the whole board.

As we are all aware, the position of CEO is integral to the operations of CIT. Due to the importance of this role, the government considers that it is necessary to have a transitional amendment to ensure, as far as possible, continuity of operations. The bill prescribes that the director, on the day before the legislation commences, becomes the CEO. This will continue until the governing board appoints a CEO within a 12-month period from the day of commencement.

In relation to the fee structure of CIT, it is important and appropriate in establishing a governing board for CIT that the board has the capacity to set fees for the educational products and services that it delivers. To do otherwise would have been far less efficient. Nevertheless, it is important that the minister remains able to have a say in the fees charged for programs that are subsidised by the government.

The changes made by this bill get the balance right by providing for the minister to issue compulsory guidelines to the governing board about fees that CIT may charge for government subsidised training products. What will be made clear through this instrument is that the purpose of CIT is to serve the community, and not to return a profit. However, CIT needs flexibility to ensure the costs of training delivery can be appropriately met once the government subsidy has been taken into account.

It is important to note that fees have already been set for the first semester of next year, and any changes in the next financial year for government subsidised products and services will be broadly consistent with other government price increases.

Finally, there are minor provisions in the bill which seek to update and modernise language in the legislation and to align and simplify legislative drafting.

With regard to the comments made by the Standing Committee on Justice and Community Safety in the scrutiny of this bill, I have written to the chair of the committee addressing the specific concerns raised in relation to proposed section 64 about establishing offences for using or divulging protected information.

Briefly, however, I want to make it clear that subsections 64(3)(c) and 64(5) deal with two different issues. The first provision permits a person to whom the section applies to disclose protected information in a court proceeding, whereas subsection 64(5) is aimed at the issue of whether a person to whom the section applies can be compelled

to disclose protected information to a court. Its focus is not admissibility of evidence, as alluded to by the committee, but the compellability of a witness to disclose protected information available to the court.

In summary, the reforms made by this bill to CIT governance arrangements are an important continuation of the ongoing improvements being made to CIT that commenced with the implementation of a governance strengthening plan in 2011. These governance reforms also indicate the achievement of a key milestone of the ACT's implementation plan under the skills reform national partnership.

The changes made by this bill will create a more agile CIT with a greater commercial focus while retaining its public provider responsibilities. The current and future needs of the ACT economy will be even better served by a CIT better placed to deliver the quality vocational education and training needed by the ACT to provide a highly skilled workforce.

In closing, I would like to put on record my thanks to the CIT Advisory Council and the CIT executive and also the officials for the collaborative work they did in drafting the legislation. I also want to put on record my regard for Adrian Marron, the chief executive of CIT at the moment. He has been very much at the forefront of these changes that will position CIT for the future. His steerage of CIT over the last few years has been commendable, and I have the highest regard for his efforts to date.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Gaming Machine (Red Tape Reduction) Amendment Bill 2014**

Debate resumed from 30 October 2014, on motion by **Ms Burch**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (11.48): The opposition will be supporting this bill, although I am not sure the bill lives up to its title of Gaming Machine (Red Tape Reduction) Amendment Bill.

Let us look at one of the facets of the bill. One of the facets will be the removal of the requirement to maintain machine access registers and replace them with computer cabinet access registers. The government is saying, "We are getting rid of one register, but we are putting in place a new register." In talking to some of the clubs, they are saying that they will probably keep the existing machine access register, because that details who has gone to the machine, who has opened the machine and who has had access to the cash box. Rather than reducing red tape, it might change compliance techniques to keep the government happy but the clubs will in many cases keep their machine access register for their own internal audit processes.

Rightly, the government is only interested in the detail that relates to the turnover, and therefore the taxation requirements and the problem gambling assistance fund requirements. But clubs will have to keep some sort of security control and some sort of security check. In this endeavour, now that the government has realised that red tape is a problem for just about every business in the ACT, simply naming a bill the Gaming Machine (Red Tape Reduction) Amendment Bill does not make it so.

What else does the bill do? The bill gets rid of a requirement whereby, if you wanted to shift the position of the machinery, you had to apply to do so, and as long as the machines stay inside the designated area, no requirement for approval is required. That is sensible but perhaps long overdue.

There is clarification that an amendment of the club constitution at the direction of the commissioner—this comes about when the Gaming Machine Act is itself changed, necessitating changes to the constitution—to have the constitution consistently in line with the act is a requirement of the constitution. Therefore, this says that it may occur without the decision of voting members, a vote of the voting members. One would assume that that is done at the direction of the board once they have received notification from the commissioner. That will save the club some money and some time, but I suspect that the number of times it will be used will be small.

They have increased the licensing period for technicians from two to three years—again a sensible requirement. And they have removed the requirement for the licensing of gaming machine attendants: you need the licensing when you maintain a machine register; with that gone, therefore, that requirement is gone.

There is an amendment that the minister has foreshadowed in regard to the problem gambling assistance fund. What they are going to do is in the case of small clubs, and this is probably half the clubs. Rather than doing a monthly return, they will be able to do an annual return in arrears. What they are going to do is change the monthly amount from \$100 to \$300, which again is sensible. The payments will still be required, but they will only be done on an annual basis, which is sensible for the smaller clubs.

What this bill does not do is remove the conflict of interest that Labor members have every time we deal with the Gaming Machine Act: as the beneficiaries of the profits from gaming machines, there is clearly a conflict of interest. They have got around some of it by moving funds out of their club group into another fund, which is now affiliated. Such is the sensitivity of those in the ALP. But it really does bring to mind the words of the Reverend Tim Costello, who said, “You will never get meaningful regulation about this while the conflict of interest exists.”

With those few words, let me say that we will be supporting the bill.

**MR RATTENBURY** (Molonglo) (11.52): I am happy to support the Gaming Machine (Red Tape Reduction) Amendment Bill here today.

The bill makes minor amendments to the Gaming Machine Act that are designed to reduce unnecessary regulatory burden without reducing necessary regulatory oversight of this industry. An example of this can be seen in clause 13, section 71, whereby the bill removes the requirement for a licensee to maintain machine access registers and instead replaces them with access registers on the computer cabinets. We are advised by the explanatory statement that this is the more effective point at which to monitor access to gaming machine equipment.

The bill will also lengthen the licence period for gaming machine technicians, similar to recent extensions of licensing periods for casino employees and sports bookmakers that this Assembly has also passed.

The bill does seek to reduce administrative burden by allowing small clubs to pay their required contribution into the problem gambling assistance fund on an annual basis, and in arrears, rather than through the current monthly payment. This change comes with appropriate reporting obligations for the racing and gaming commission, who will be required to identify in their annual report which licensees chose to pay in annual arrears and clearly reflect all such payments. I consider this adequate to preserve the integrity of the problem gambling assistance fund with regard to these changes.

The bill is one part of Minister Burch's gaming machine reform package. I look forward to seeing the further legislation that she has flagged that will result in a substantive decrease in the number of poker machines in the territory. I understand that legislation is due early next year, and I am looking forward to seeing any further steps to come in the package that Minister Burch has outlined.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (11.54), in reply: The Gaming Machine (Red Tape Reduction) Amendment Bill 2014, introduced in October, proposes changes to the Gaming Machine Act 2004.

The bill has the effect of implementing stage 1 of the gaming machine reform package. Stage 1 includes red tape reduction provisions that support the ongoing viability of the club sector. It aims to minimise unnecessary administrative and regulatory burdens imposed on licensed gaming machine operators.

A key objective of the bill is to strike a balance between minimising red tape measures for industry and providing flexibility while at the same time ensuring that the regulatory framework remains robust and minimising harm to problem gamblers and other vulnerable people.

The bill has been developed with appropriate and proportionate powers to achieve these objectives.

Specifically, the bill will repeal a number of requirements, including the need for gaming machine access registers and unnecessary approval requirements for the relocation of gaming machines.

The bill streamlines licensing arrangements by providing that technicians can be licensed for a period of three years and removes the need for gaming machine attendants to be regulated under the act. Further, it clarifies provisions for the amendment of club constitutions at the direction of the ACT Gambling and Racing Commission.

Small clubs will be given the opportunity to pay their contributions to the problem gambling assistance fund on an annual basis. The bill, as presented, allows the clubs to make an annual problem gambling assistance fund payment in arrears, if they so wish, where their liability averages less than \$100 per month. Today I am moving a government amendment that increases this threshold to \$300 so as to provide a greater number of clubs to be included in this option.

This government amendment provides greater flexibility for the clubs to manage their business and also maintains contributions to the fund which provide for important initiatives and research into problem gambling.

Given that the government amendment is considered minor, there is no requirement that I refer the proposed amendment to the bill to the scrutiny of bills committee in advance of today's debate. I have ensured that the amendment is consistent with order 178A in the standing orders. A signed copy of the amendment has been circulated to all members for consideration.

The government amendment is supported by a supplementary explanatory statement, which I am also tabling today and which complements the existing explanatory statement that was tabled with the bill. This supplementary explanatory statement outlines the proposed government amendment to the bill introduced in the Legislative Assembly. The supplementary explanatory statement clarifies the government's amendment to new section 163AA and the application of the entire section 163AA previously provided in the explanatory statement.

I thank the Standing Committee on Justice and Community Safety, in their legislative scrutiny role, for their review of the Gaming Machine (Red Tape Reduction) Amendment Bill 2014. I note that the committee raised no comments on this bill.

This government is committed to maintaining a robust regulatory framework while reducing red tape burdens in the industry and maintaining a strong harm minimisation framework to provide consumer protections and minimise harm from problem gambling.

In closing, I want to thank officials for their drafting of this legislation. I also thank and acknowledge the respectful relationship that I and the government have with ClubsACT. I think it demonstrates a mature understanding of support for the community clubs, but also recognises the need to maintain strong harm minimisation strategies where we can.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Bill, by leave, taken as a whole.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (11.59): Pursuant to standing order 182A(b), I seek leave to move an amendment to this bill which is minor and technical in nature.

Leave granted.

**MS BURCH:** I move amendment No 1 circulated in my name [*see schedule 1 at page 4017*].

I want to thank members for the comments made today. I commend the Gaming Machine (Red Tape Reduction) Amendment Bill, and amendments and other papers presented today, to the Assembly. I thank members of the Assembly for their contributions.

Amendment agreed to.

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

Bill, as amended, agreed to.

**Sitting suspended from 12.00 to 2.30 pm.**

## Questions without notice Canberra Hospital—patient care

**MR HANSON:** My question is to the Minister for Health. Minister, in Sunday's *Canberra Times* you are reported as saying that on every measure the quality of care in our hospitals is very high. Minister, on 24 September this year I brought before this Assembly the case of a patient who was left lying in their own urine for hours. On 25 September Ms Lawder told of the poor treatment of her mother-in-law, when Ms Lawder also witnessed an elderly man left naked on a bed. On 15 November a Kambah resident said that her dying father was not "treated like a person", and lodged a complaint with the human rights commissioner. On 22 November a whistleblower nurse described "personal hygiene that patients can't do themselves not attended to for days" and "other things too bad to name". I have had numerous other constituents contact me with other cases.

Minister, after eight years as health minister, why has the quality of care dropped so far that so many experts, staff and patients are all saying that safety and care are so poor?

**MS GALLAGHER:** I thank the Leader of the Opposition for the question and the opportunity to provide some balance in the campaign he is waging against the Canberra Hospital.

**Mr Hanson:** Not me; it's the nurses.

**MS GALLAGHER:** Thank you; in the campaign that he is waging against the Canberra Hospital.

**Mr Hanson:** It's the patients; it's the staff.

**MADAM SPEAKER:** Order, Mr Hanson! You asked your question.

**MS GALLAGHER:** The campaign he is waging is one of completely accepting one side of experiences that often have two or more sides to them and providing no balance or context in his commentary on the health system. And that has an impact. As a leader in this community, he knows very well the role that he is playing in keeping the campaign, for his own political purposes, alive and well.

I accept, and I am quoted in the *Canberra Times* as saying, that the health system is not perfect. The health system is a human system, and there will be problems. If you look at every other health system anywhere in the country, in any other hospital, you will find similar cases where complaints are brought against the hospital. But—and this is where the balance comes in—you will also find at least as much, if not more, feedback where compliments are given or the experience in the health system is a very positive one. It does not often get the political interest from those opposite, or indeed the coverage from the media, but that is the reality. And that is what the Assembly needs to do for the support of the staff in particular at the Canberra Hospital.

I was just there at lunchtime today, and it was raised with me about the impact of the political interventions and the media coverage only on negative stories—no interest in positive stories. It is hurting the hospital. The staff are feeling it, and they are raising it with me and saying, “What can you do, Katy, to get all the good things that we do in the hospital out and have people accept that there are incredibly talented staff working very hard?” And they do raise your role, Mr Hanson—they do. They see it as very one-sided that the minute you get a complaint, you bring it in here and provide one side of the story—never both sides. The health system have their hands tied behind their back because the Health Records (Privacy and Access) Act means that they cannot discuss the individual circumstances of cases that you bring into this chamber and publicly air.

I can read to you a couple of things that have crossed my desk in the last two months. “I would like to say a heartfelt thank you to all the staff who are looking after me,” a patient on ward 7A said. “In particular, the nursing staff and the social workers who have been so kind and helpful, and to my mother, my father and my two brothers. Please pass this on to all concerned. Canberra Hospital cannot be beaten for services to the Canberra community.”

Again, here is one I got this week. “I note that in today’s *Canberra Times* the front page and letters page feature adverse publicity for the Canberra Hospital. For what it is worth, in the middle of last week I wrote a letter to the editor praising the Canberra Hospital concerning my experience with the hospital and with hospital in the home and the health service. The letter has not appeared, and when I rang on Thursday last week I was told it was under consideration. On Friday night my 89-year-old grandmother was admitted to your emergency department. She is an Italian immigrant born in 1924.” And the stories go on.

**Mr Hanson:** Read the one you got from—

**MS GALLAGHER:** I am not denying there are complaints, Mr Hanson, as you constantly interject and talk over the good work of the hospital. And I never have. Go and read the Sunday paper, where I accepted that there are complaints. What you need to do is to address the complaints. But what you need to do, Mr Hanson, is provide balance—balance and perspective on the health system. And we have a health system that is second to none in this city. (*Time expired.*)

**MADAM SPEAKER:** Supplementary question, Mr Hanson.

**MR HANSON:** Minister, what are you doing to address the specific concerns of those patients mentioned in these reports?

**MS GALLAGHER:** The health system is a complex system where complaints, when they are raised, are responded to. And I know, from the side that I sit on and the role I play across government, that they are an extremely responsive department in relation to customer complaints and feedback. I would also say that 70 per cent of the feedback they get is positive. I do not think there is any acknowledgement by you, Mr Hanson, of that reality. You come in here and you cite four instances which you try to paint the entire system by.

**Mr Hanson:** Many others.

**MS GALLAGHER:** There are others. I agree: there are others. Thirty per cent of the feedback we get will either have a comment about improving processes or have a concern about care. But 70 per cent is positive. And every single day, that hospital saves lives. Every single day they save lives. They turn up to work. How do you think they feel when it is a matter of political football about the quality of care? Nothing makes the opposition happier than a negative story about the health system. We all see it. We see you walk in here with a spring in your step because you have got a complaint about the health system that you can run.

**Mr Hanson:** It is not about me; it is about the patients.

**MS GALLAGHER:** It is about you, Mr Hanson; it is all about you and your political campaign. Let us not forget that; let us not try and dress it up in anything else.

**Mr Hanson:** Madam Speaker, on a point of order on relevance, the question was about what the minister is doing to address certain specific concerns that have been raised by patients. The question was not about politics, me or the role of the opposition. I ask that the minister be directly relevant and advise the Assembly what she is doing with the complaints and the reports that have been raised with her.

**MADAM SPEAKER:** Could you stop the clock, please. I have to uphold the point of order. I was also going to ask the Chief Minister to not engage Mr Hanson across the chamber but to address her comments through the chair. Could you be relevant to the question, Chief Minister: what are you doing to address the specific complaints?

**MS GALLAGHER:** Thank you, Madam Speaker. I look forward to updating the Assembly very shortly on those matters.

**MADAM SPEAKER:** A supplementary question, Ms Lawder.

**MS LAWDER:** Minister, do you maintain that the quality of care for those people mentioned in the previous cases by Mr Hanson was very high on every measure?

**MS GALLAGHER:** I think I have answered this. I have acknowledged that there will be complaints about the health system. Find me a health system anywhere in the country where there are not complaints about care. I get them from every hospital in this city. Every single hospital in this city, I get complaints over—public, private, all of them.

I also get a lot of compliments about the system. At a general level, as a rule, the quality of care is extraordinarily high. There are instances where it is not as good as it should be, and where it is not you have to front up, acknowledge that and put in place processes to ensure that those incidents do not occur again. But you have also got to accept that there are two sides to every story, and at the moment the only side being offered is one side and it is not always providing the complete picture.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, when complaints are received, how thoroughly are they investigated?

**MS GALLAGHER:** There is a patient feedback unit within the hospital, not just at Canberra Hospital but at Calvary Public Hospital as well. When concerns are raised, they contact the people relatively quickly. If it is very serious they will do it immediately. They go through a process of identifying and responding to every single issue that is raised. Some of them can be resolved very quickly. Others will take more litigious action and that extends the nature of the complaints. There is very well-established feedback. The forms are available online. People have them handed out at the bedside. The patient feedback unit will come and visit people in the hospital.

When I talk to Dr Brown about how we deal with complaints in the hospital, the best thing people can do, whilst they are there and they have their concerns, is raise that and have people attend to those concerns there. I know that some people choose to wait till afterwards—sometimes months after they have been in the hospital—to raise

any concerns they might have. What we are looking at encouraging is a way whereby people are able to easily make feedback and complaints, or compliments, whilst they are patients in the hospital. There is more work being done on that.

### **Canberra Hospital—patient care**

**DR BOURKE:** My question is to the Minister for Health. Minister, on 21 November 2014 you announced a range of initiatives to further improve the patient experience at Canberra Hospital. Can you update the Legislative Assembly on these initiatives?

**MS GALLAGHER:** As I said to Mr Hanson, I will update the Assembly shortly on a number of the initiatives that have been developed over the past 12 months and implemented at Canberra Hospital or, if not implemented, about to be implemented. These are areas that the hospital and the health system have been working on in direct response to feedback that we have been getting from patients and from talking to staff about areas where they think our service can be improved.

We have also been talking with the ANMF in particular, because, when some of the issues around personal care are raised, it raises issues for their members. Some of the issues have been industrial in nature, but I am very pleased to say we have worked through them.

One of the most significant changes—and this was at ward 7A, which is, I think, where some of the complaint that Mr Hanson raised came from but also relates to the ward where I just repeated one of the compliments that we have had recently—is the introduction of team nursing, which involves nurses working as a team to provide care for all patients on the ward. It replaces the model where individual nurses were allocated individual patients to care for; it may have been four patients on the ward. If you need two nurses to help with the care needs of one patient, that is hard when you have all got four patients you need to look after. Team nursing has been introduced there. I have the opportunity to speak with some nurses about how they feel about that. The feedback to date is very positive, both from staff and from patients.

Assistants in nursing is also an initiative I have been looking at bringing in for a while. We have had a trial on one ward at Canberra Hospital. That trial has satisfied some of the concerns of the ANMF to allow that to be used across the hospital and will be used to supplement the delivery of patient care. Assistants in nursing are not enrolled nurses or registered nurses. Their role is restricted really to those areas where we have been getting feedback about in terms of personal care—showering, changing, moving from chair to bed, and assisting with eating.

Visiting hours is also an issue which has come up. It is not a standard format across the hospital, or enforced across the hospital, where there is a morning and afternoon session, traditionally. From 1 December visiting hours will be standardised from 6 am to 9 pm across the hospital. Where it is clinically appropriate, there are some places where that might not be able to be done because of the clinical care needs of the patients. That, again, will encourage family and friends and visitors to be with their loved ones throughout the day and not feel like they are being asked to leave the hospital.

Also, patient trackers are being used. These are small electronic devices which allow feedback to be provided by patients very quickly. There is a series of five questions. They are rotated across the health system and you can tell very quickly what the feedback is. People can rank the care that they are getting very quickly and easily simply by the press of a button. It is a very useful tool to measure patient opinion prior to introducing planned improvements. This was used in 7A, I understand, with team nursing.

There is also the issue of food packaging which has come up in complaints around people being able to open the food packages easily and eat. The food services area of the hospital has been working on a whole range of initiatives to make sure that people are able to open their food and that the food is of a high quality nutritional value.

In addition to these, there are, of course, the extra beds that have opened across the hospital. Yesterday there were 233 people presenting to the Canberra Hospital emergency department. About 66 of those were admitted. The extra beds are certainly being well utilised. (*Time expired.*)

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, could you tell us more about how team nursing and the introduction of assistants in nursing will assist in patient care?

**MS GALLAGHER:** It would be a pleasure to provide that information to Dr Bourke. The introduction of assistants in nursing has been something that has been allowed in the industrial agreement but has not been implemented because of some of the concerns that have existed from an industrial perspective. Some commitments have been given in relation to assistants in nursing to make sure that they are supplemented over and above the registered nurse and EN ratios on the ward. We already have the best nursing to patient ratios in the country, but assistants in nursing will assist with extra resources, particularly on those busy wards where there are a number of elderly patients who require some additional support and, in fact, often do not have family with them throughout their stay.

In addition, the feedback so far on introducing team nursing—and I got the opportunity to see it in action on 7A—is that, instead of one nurse being required to look after all of the care needs of four patients, all of the nurses have a role and responsibility in relation to all of the patients. On that ward there are 32 beds. Their nursing resources to the patient are better allocated. If a patient needs three nurses to assist them, then that is provided. If a patient only needs one nurse, then that is provided.

As I said, the feedback from patients is that they believe there is more nursing staff actually on the ward than they had previously thought. The feedback from nursing, including the graduate staff that have been moving through that ward, also spoke highly of the changes because they feel better supported in the roles that they have.

**MADAM SPEAKER:** Supplementary question, Ms Porter.

**MS PORTER:** Minister, what will the changes to visiting hours at Canberra Hospital mean for patients and their families?

**MS GALLAGHER:** I thank Ms Porter for her interest in this matter. Again, the idea behind the standardising of visiting hours is making sure that families, carers and friends are welcome in the hospital and are an important part of the support to be provided to patients.

As I said, from 1 December the new visiting hours at Canberra Hospital will be from six until nine where it is able to be delivered along clinical needs. It has certainly become apparent to me, and through the consumer feedback and a review of the inpatient guide, that visiting hours and rest periods across the wards at Canberra Hospital were inconsistent and certainly inconsistently applied. A pilot was conducted on the sixth floor to test the new hours, and guides developed for staff, visitors and patients. Again, this feedback has helped us take this decision that we think is in the interests of patients and staff that the hospital is open to family and friends throughout the large part of the day, from 6 am till nine.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, are these initiatives an admission that the concerns that have been raised by staff, by patients and by the opposition have now led to positive changes?

**MS GALLAGHER:** Certainly, as I said in the answer to my first question, they have been developed around the feedback that has been provided over the last 12 months or so. I think that is the responsible thing to do. Patients come; they provide feedback. Certainly, where there were themes emerging around the care and concerns around the care, the hospital responded. But this has all been trialled. It has been negotiated with staff. It has been developed with consumer feedback in mind. I think it is a very positive way of making sure that we continually improve a very busy, high quality health system.

### **Canberra Hospital—obstetrics unit**

**MS LAWDER:** My question is to the Minister for Health. Minister, on Friday, 20 November a report into the Canberra Hospital maternity unit by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists was reported in the *Canberra Times*. That report stated:

Mismanagement and long-running cultural problems inside the Canberra Hospital maternity unit have put the health of patients at serious risk ...

And:

... doctor health has been compromised as staff levels tank ...

And:

The maternity unit's training accreditation remains at risk of being revoked early in 2015 if officials cannot address urgent recommendations.

Minister, this report comes after the 2010 problems which saw 13 registrars resign. Minister, given that these seem to be the same sorts of problems in the same department, why will you not fully release all of these reports?

**MS GALLAGHER:** To begin, they are not the same issues and they do not involve the same people. The view of the college, and it is the college's report, is that the report is not publicly released. I do not believe it has been publicly released—it has not been publicly released—and I do not think it has been privately released either. I think some handwritten notes have probably been typed up, from my reading of the article about the leaked document.

I am very confident that the systems that the director-general has put in place to respond to the concerns that have been raised, both by staff and now by the college, are being handled appropriately. I believe we should let the managers, who are paid to manage, do their job without further political interference.

**MADAM SPEAKER:** A supplementary question, Ms Lawder.

**MS LAWDER:** Minister, how can mothers, fathers and families feel confidence in your management of this maternity department if you continue to refuse to release the reports?

**MS GALLAGHER:** I do not think anyone is calling for the release of the report, other than the media or the Canberra Liberals. I have spoken to staff in the unit. They do not want it released. The college at this point in time has not authorised it for release. There is a management plan in place to deal with the issues that have been raised, and there are issues outside the college, the training side of the program, that are being actively managed, and a number of reviews are underway into that. It is being more than appropriately managed by the director-general and, indeed, by the senior and junior medical staff in the unit, whom it concerns.

In relation to mothers and families, I can report that the Canberra Hospital maternity unit is the maternity unit of choice for Canberrans. The numbers of people flooding to that unit continue; we continue to see that. And it is good that the public actually know about the high quality service that is provided there. This year it will exceed 5,000 births. Indeed one of the issues we are having with demand for the unit, which is creating some of the pressure for the workforce, is that women from the north side of Canberra are choosing to birth at the hospital in the excellent facilities that are provided there.

What needs to happen for that unit, again, is that the issues are managed between the executive of Health and the employees in that unit. I am very comfortable with the action that has been taken to date, and I believe that the issues are being actively managed and there is absolutely no suggestion of an impact on the clinical care being provided in the unit.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, why did this report have to be leaked to the media before the public could become aware of the issues?

**MS GALLAGHER:** I do not believe it was leaked, because the article directly quotes things that are not in the report. So I do not believe it was leaked. I believe someone's handwritten notes were typed up and probably have been provided.

The public interest issues are issues of concern being raised by junior doctors against senior doctors in the unit. Again, just be careful about choosing sides in this. There is disagreement between junior doctors and senior doctors in the unit about how the unit operates. They are being actively managed but all of those issues were well known to the public. It has nothing to do with the opposition's political campaign to get their hands on this report.

The public interest issues—and I said this on Friday—are around concerns that have to be dealt with and are being dealt with. Concerns about rostering, around workload, around training are all well known in the public arena. Without the support of the workforce, which is under enormous pressure, particularly with this level of public scrutiny of their workplace, I do not believe it is in the interests of that unit at this point in time. Without their support, I would not release it.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, an investigation into the leak has been announced. Is this the highest priority while the maternity unit is in crisis?

**MS GALLAGHER:** I do not accept Mr Hanson's analysis of the unit in any level at all. There are certainly concerns but, again, go and have a look at a whole range of workplaces, where you will find disagreements between staff within units, whether it be the hospital or any other workplace. We have to let managers manage them. We have to let staff in the unit work through the processes that they have agreed to. On Friday and Saturday, with the leaking of that information, there was huge concern from within the unit.

*Mr Hanson interjecting—*

**MS GALLAGHER:** My concern is for the staff in the unit and that they are appropriately supported through this process. That is not your motivation, Mr Hanson, at all. Let us be up front and honest about it. It is not your motivation.

**MADAM SPEAKER:** Standing order 42, please, Chief Minister.

**MS GALLAGHER:** It is not to actually deal with the issues; it is to try and get page after page in the *Canberra Times* about it. It is much harder—

**Mr Hanson:** We have been trying to deal with it since 2010.

**MS GALLAGHER:** No, that is completely wrong.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, come to order!

**MS GALLAGHER:** I challenge you on that, Mr Hanson. It is not the same as 2010 at all. It is not the same. It does not involve the same individuals at all and the same detail of those issues.

*Mr Hanson interjecting—*

**MS GALLAGHER:** If Mr Hanson would actually show some interest and would like a briefing on it, I would be happy. But he has not asked for one. He shows no interest in the matter at all. It is being appropriately dealt with by managers, and the Assembly must let the director-general deal with it. That is what they are employed to do. They need to be allowed the space and the time to deal with it.

### **Planning—Stirling**

**MRS JONES:** My question is to the Minister for Planning, regarding the property at 10 McKail Crescent in Stirling. Minister, this property was purchased after fire damage over three years ago. Since that time the property has become nothing but an eyesore and a community danger. It has a large temporary fence around the property, stretching right out to the road, shipping containers and rubbish skips are stored on the front yard, the grass is long and it is a fire danger. I have had reports of snakes in the backyard, and there is a stagnant swimming pool full of mosquitoes, as well as rats roaming the property, and a dog had to be rescued recently.

In July constituents reported that they had been informed by the government that the owner had 30 days to clean up the site. In September this year you stated that the “property had deteriorated to the point that the building is currently likely to be unfit for any kind of use and may be a danger to health as a result of the fire”. You also stated that the lessee had been given a first warning and that they were again given 30 days to respond.

Minister, what action will you now take to ensure that this property is cleared of health and other hazards, and why have residents of Stirling had to live with this danger and eyesore for over three years with little action from you or your predecessors?

**MR GENTLEMAN:** I thank Mrs Jones for her question on that property in Stirling. EPD officials have been quite active in looking at that property and have written to the property owner requesting remediation of that area to make it suitable for the surrounding landscape. I will chase up the current situation and come back to you.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, will the property be cleaned up by Christmas?

**MR GENTLEMAN:** Thank you, Mrs Jones. I cannot give a guarantee that the property will be cleaned up before Christmas.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, what action will you now take to ensure that rectification occurs quickly?

**MR GENTLEMAN:** Thank you, Mr Hanson, for your question. I will be working with EPD officials to ensure that the actions that we have requested of the property owner go forward.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, what are the maximum and minimum time frames for vacant and dangerous properties like this to be left unresolved, according to your government policies?

**MR GENTLEMAN:** We have changed time frames in regard to extension of time. Previously there was quite a tight time frame on developments across the territory. But in order to give some incentive to developers to build in the area, to develop more economic activity, we have extended those extension of time—

**Mr Hanson:** Madam Speaker, on a point of order of relevance, that is not this issue at all. This is about a derelict property. It has been raised with the minister numerous times. This is not a dissertation about extension of time for people to complete DAs. Could the minister please address the question?

**MADAM SPEAKER:** I was thinking that perhaps the minister was getting to a wider discussion rather than just time-to-complete issues. I think I have to uphold the point of order because the question was about time frames for cleaning up dirty blocks. If you could come directly to the question, Mr Gentleman.

**MR GENTLEMAN:** Thank you, Madam Speaker. We want to make sure that that property is up to scratch as soon as possible, so we will ensure that the property owner sticks with the time frame that we have allocated.

**Mr Hanson:** Madam Speaker, again the question was very much about the maximum and minimum times under the policy of the government for these sorts of issues to be remediated. If the minister could advise; if he does not have the answer here, maybe he could take it on notice.

**MADAM SPEAKER:** I have to uphold the point of order. The question was quite specific and if you could answer the question, Mr Gentleman, I think that the Assembly would appreciate it.

**MR GENTLEMAN:** Thank you, Madam Speaker. I think I have addressed the question.

**Schools—early intervention program**

**MR WALL:** My question is to the Minister for Disability. Minister, on 28 October this year you announced the six organisations who will be providing early intervention services from the beginning of the 2015 school year, stating that these organisations have the “capacity, experience and interest in providing early intervention services that are evidence based, child focused, and family centred”. Minister, will the group therapy programs provided by these organisations deliver the same standard of therapy as is currently provided by the ACT government?

**MS BURCH:** I thank Mr Wall for his question. The six organisations he is referring to were part of the expo. Certainly they and other providers were there recently out at the Hedley Beare—that is, Northcott; Noah’s Ark Victoria; the Cerebral Palsy Alliance; Autism Spectrum Australia, Aspect; Each; and SDN child and family services. In talking with families and talking with providers out there, there will be a mix of group work and individual therapy interventions, but I am also able to advise that some of the interest was about what schools these services will be operating out of. Northcott will provide services, a range of services, from Mount Neighbour Preschool and the Neville Bonner Primary School.

**Mr Wall:** Point of order, Madam Speaker.

**MADAM SPEAKER:** Can you stop the clock? Mr Wall on a point of order.

**Mr Wall:** Madam Speaker, the question was fairly direct in asking the minister whether the new service providers will be providing the same standard of service as the current services provided by the ACT government, not who the providers were going to be or their location.

**MADAM SPEAKER:** While I hear the point of order, and the standing orders do require people to be directly relevant, I think that there is some latitude for the minister to speak about the six organisations as well so long as she also gets to the point of the question, and that is: will the group therapy provided meet the same standard?

**MS BURCH:** For the interest of members, I will continue with the list of where these groups are going. The SDN child and family services will operate out of Namadgi preschool site and Weetangera. Each will go through each provider at Evatt. The Cerebral Palsy Alliance will be at Gilmore Preschool, Flynn Preschool—also operating from the new, fabulous building that I was part of opening in Scullin. Aspect will be at Charles Conder preschool and Scullin preschool. And Noah’s Ark are, at this stage, looking for alternative sites so that they can operate also outside of school hours in a range of settings for family needs.

In regard to the standards, all the registered providers are required to meet standards to make sure that they satisfy the National Disability Insurance Agency and our own requirements as far as safeguards and standards go.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, what are the benefits of group therapy when compared to other models of early intervention?

**MS BURCH:** I think I missed the start of the question. What are the benefits of these new providers coming to town? The benefits of these new providers—

**Mr Wall:** Madam Speaker, just to clarify—

**MADAM SPEAKER:** Just to clarify, and we can start the clock again.

**Mr Wall:** the question, minister, was: what are the benefits of group therapy when compared to other models of early intervention?

**MS BURCH:** I thank Mr Wall for his question. The benefits of group therapy and individual therapy are well accepted for children on a number of levels. The new arrangements provide choice for families—to choose a mix of group therapy and early intervention therapies that are best suited to their children's needs.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, what involvement, if any, has there been between your department and potential service providers regarding the types of early intervention and the delivery model?

**MS BURCH:** The Education and Training Directorate and Disability ACT have worked very closely with families. I think I have spoken in the Assembly before of the KPMG report. They went out and talked and there were a number of family focus groups to build up the requirements. The NDIA went out to tender. That tender document was public; it is available for others to read. I am not quite sure whether it is still on the NDIA website. The service offerings were definitely built up following the comprehensive report and research done by KPMG.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, do the early intervention options available to Canberra families fulfil your guarantee that no child will be left behind?

**MS BURCH:** I am very confident that the range of services on offer now provides a depth of service provision for Canberra families.

### **Schools—early intervention program**

**MS BERRY:** My question is to the Minister for Disability and relates to the transition of early intervention services under the NDIS. Minister, could you inform the Assembly about the success of last week's "meet the providers" open day?

**MS BURCH:** I thank Ms Berry for her interest in this. The government, as everyone in this place knows, is transitioning early intervention services to the community sector—a decision that is supported on both sides of the chamber because the Canberra Liberals have said that the transitioning out of government as a provider is indeed their policy.

To ensure that there are services ready to go from next year, the National Disability Insurance Agency made a decision to contract with a number of providers to support market development in the ACT. Six organisations were successful. I named them before, but, for the interest of members, they are Northcott, Noah's Ark, Cerebral Palsy Alliance, Autism Spectrum Australia, Each and SDN Children's Services.

I can inform the Assembly today that all six organisations have entered into contracts with the NDIA. These organisations have committed to providing evidence-based, child-focused and family-centred early intervention services in 2015 for children with developmental delay and/or disability. Each of the six organisations will provide key worker models of service, which involves a team of professionals delivering individually tailored early intervention services to children and their families. The services they will offer include early education, therapy and family support, and might comprise small group programs and individual intervention at home or in an early childhood education and care setting.

The locations of these services have also been confirmed. Families have told us during our market soundings that they appreciated the school-based venues for early intervention programs, and we have endeavoured to keep this link going. As in the previous answer, Northcott will operate from Mount Neighbour Preschool and Neville Bonner Primary School. Each will operate from Evatt Preschool. SDN will operate from Namadgi and Weetangera. The Cerebral Palsy Alliance will operate from Gilmore and Flynn. Aspect will operate from Charles Conder and Scullin, and Noah's Ark is looking for alternatives so it can actually operate out of school hours.

Families were able to speak to the new providers at the open day on the 17th of this month. It was a great opportunity for families to meet with providers and get a sense of the choice they have. Not only were those six providers there but also other providers were there to show the depth of service offerings that will be available to Canberra families.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, are families now able to begin their planning conversations with the NDIA and these providers ahead of the commencement of term 1 in 2015?

**MS BURCH:** The short answer is yes. Due to our agreement to phase people into the NDIS gradually, according to their age or life stage, we are seeing younger children enter the NDIS first. I hope that most will make the transition by the end of the year. Children between the ages of birth and four are now eligible to become NDIS participants. This means that families can go to the NDIA and start the planning process and, if eligible, their child will get funding for the early intervention services that they are seeking.

I recently received the National Disability Insurance Agency's fifth quarterly report. This shows there were 103 approved plans in the ACT during the first three months of operation. These numbers will rise significantly as more and more families make plans with the NDIA before the end of this calendar year.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, can other organisations register with the NIDA to deliver these services? How can families engage with these organisations if they wish to do so?

**MS BURCH:** I thank Dr Bourke for his interest. While we have six organisations ready to offer supports from 2015, other organisations can continue to register to provide the early intervention supports. This is because the contracts are non-exclusive. If families wish to use a different provider, they can. They could, for example, choose providers such as the Royal Institute for Deaf and Blind Children or the Shepherd Centre or Vision Australia.

While these specialist services are not under contract with the NDIA, they are still registered to provide supports for children with hearing and vision impairments. In fact, there are a range of organisations currently registered with the NDIA offering early intervention services across the ACT. At last count I think there were 17. And there are more specialist services coming into the sector over time.

This is good news for parents as it offers more choice when it comes to finding the right fit for their child. I encourage other providers thinking about offering early intervention services in the ACT to register with the agency as soon as possible. The government have been working hard to ensure that families are connected to as many early intervention providers as possible. We have gone from having one provider of early intervention—that was us—to at least 14 in such a short time. I think that is indeed a good outcome for Canberra families.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, can you tell us more about these contracts that have been finalised for the provision of services, and particularly what services will be delivered at these locations that you mentioned?

**MS BURCH:** I thank Ms Porter for her question. There will be a range of services on offer from these six organisations that have been contracted through the NDIA. There are also those that are available because they are non-exclusive contracts. I made reference to the open day at Hedley Beare. The additional providers at that open day that can provide services to Canberra families are groups such as As One, ACT All Abilities Occupational Therapy, Community Options, Neurospace, Therapy 4 Kids, the Royal Institute for Deaf and Blind Children, the Shepherd Centre, and Vision Australia. More providers will come online as they register with the National Disability Insurance Agency.

As I mentioned, there are a number of preschool sites. We found in the feedback from families that they were very keen to keep the connection between the preschool site that they have known over the last few years and for that to be maintained. That is why Mount Neighbour, Neville Bonner, Evatt, Namadgi, Weetangera, Gilmore and Flynn preschools, and Charles Conder and Scullin, will all be opened. We as a government, and the Education and Training Directorate, through arrangements with those providers, will make that space available to children and Canberra families.

### **Superannuation—liabilities**

**MR SMYTH:** My question is to the Treasurer. Treasurer, the government's superannuation liability of \$7.6 billion makes up 61.4 per cent of the territory's total liabilities. Does the government intend to decrease the level of its superannuation liability?

**MADAM SPEAKER:** Sorry, can you repeat the question, please, Mr Smyth?

**MR SMYTH:** Certainly, Madam Speaker. The government's superannuation liability of \$7.6 billion makes up 61 per cent of the territory's total liabilities. Does the government intend to decrease the level of its superannuation liability?

**Dr Bourke:** On a point of order, the question seems to be asking the minister to announce policy in that this is an action for the future rather than something that has actually happened.

**MADAM SPEAKER:** That was why I asked Mr Smyth to repeat the question—I thought that he had said something else—but I would think that a question about whether the government intends to decrease the expenditure on anything or a particular liability is not necessarily a policy initiative. I will allow the question. That was why I asked him to repeat it, because I was uncertain at first.

**MR BARR:** The value of the liability is subject to a number of factors of variance, including, obviously, the number of people that we employ, the extent of their particular superannuation entitlements, the projections in relation to when people will seek to access those superannuation entitlements.

The government did, in 2006, make a change in relation to the level of superannuation contribution that we would make and brought the territory government's superannuation contributions in line, broadly speaking, with other states and territories. That did have the impact of reducing the liability over the longer term.

The question of that liability level into the future will be subject, of course, to what happens to both the employment profile within the ACT public service but also the application of the discount rate against the prevailing interest rate. Of course, it is a long-term liability. So it is valued against a long-term benchmark of the commonwealth bond rate. However, at this point in time, with interest rates lower, that is increasing the value of the liability. Were interest rates to rise in the future, the value of the liability would fall.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Treasurer, what is the government's strategy for the reduction in the level of superannuation liability, and by how much will it decrease its superannuation liability this financial year?

**MR BARR:** It is unlikely to decrease in this financial year given that interest rates are unlikely to increase in this financial year. The government's strategy around reducing the liability in the long term was to reduce our superannuation contribution from 15.4 per cent to nine per cent, plus a matching component. That was undertaken in 2006 and has had implications for the longer term liability. So the decision was taken in fact eight years ago to reduce that liability, and that is flowing through into the overall liability longer term.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Treasurer, how is it that the government made a 77 per cent investment gain on the year to date budget of \$28.4 million?

**MR BARR:** The strong performance of our investments and the stock market performing above average.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Treasurer, how is it that, even with a 70 per cent increase in the gains, the year to date return on the investment was still \$9 million lower than the year to date budget of \$73.4 million?

**MR BARR:** It is always important to look at these things over the long run. Any quarterly performance is going to vary, of course, from one quarter to the other. I would advise the member opposite to have a look at the performance of our superannuation investments over the long run. We set a goal of CPI plus five per cent and we have been achieving that—in fact more than achieving that in recent times.

### **Calvary Health Care—health insurance**

**MR COE:** My question is to the Minister for Health and it concerns recent Calvary group announcements about health insurance. Minister, the Calvary hospital group has made announcements about the possibility of terminating its contract with certain health insurance providers in a dispute concerning costs. Minister, what is the current situation regarding Calvary's negotiations with these insurers?

**MS GALLAGHER:** It is not a matter that the ACT government is involved with in any way or has a role in. My understanding from the media release that both Calvary Health Care and the insurer group released was that they have put the dispute on hold pending further negotiations.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Minister, have you modelled the impact on the public health system of the possible loss of insurance contracts?

**MS GALLAGHER:** No, we have not. We are concerned about it, and I certainly contacted Calvary Health Care the minute I heard the announcement that they made via media release and sought reassurances from them about the work they were doing to resolve it, which they provided. It is a relatively small component of their overall work across the country, but my reading of it is that it would be slightly larger here in relation to the Defence fund in particular, which you would think would have more of an impact here, disproportionately to the rest of Australia.

We are certainly concerned about it and we hope that the two parties can resolve it. I am just trying to recall whether I have signed off the letter yet or signed off a draft to Minister Dutton, with his responsibilities for regulating the private health insurance area, to ask him to keep his eye on it and do what he can to resolve it, as there are no powers available to the ACT government to intervene or resolve it in any way.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, are you doing enough to support private hospitals in the ACT?

**MS GALLAGHER:** Here is another example of Mr Hanson talking down the health system again.

*Mr Hanson interjecting—*

**MS GALLAGHER:** Yes, we are. We have very much supported the extension and expansion of the National Capital Private Hospital. Indeed, we are working with them very closely around that development and in terms of securing Calvary to continue to invest in the private sector.

It is a big issue. I know it is one of the issues that have been raised in relation to a concern that was aired in the paper: a gentleman who waited four days for his collarbone to be repaired at Canberra Hospital. One of the issues which are not understood across Canberra is that, if you break a bone in Canberra, you come to Canberra Hospital. If you break a bone in the region and it needs surgical repair, you will come to Canberra Hospital. No other hospital mends broken bones. So it does place pressure on Canberra Hospital.

You are not going to attract the level of private coverage here that you would see in larger cities because of the nature of the work for the private specialists. Part of what we are doing is building up our capacity in the public system, which will flow on to the private system. Certainly, the interest from Calvary to expand their private offerings, and indeed National Capital Private Hospital actually doing what we would like others to do in expanding their service offerings, are most welcome.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, what steps have you taken to encourage Canberrans with private health insurance to use the private system rather than the public system?

**MS GALLAGHER:** Patients are asked where a level of service is offered, and if we look at orthopaedics, for example, there is no emergency orthopaedics coverage. So you can have all the private health cover you like but you are not going to get your operation in the private system because it is not offered. So where it is appropriate, where there is a service being offered, certainly people are asked. But to a large extent they do not take up that choice because they know they will get excellent care in the public system. And that is the reality. In terms of all the feedback and all the surveying that is done, people know that they will get well looked after in the public system, that the quality of care provided will be excellent, so why pay the gap fee?

There is room to do more in this area, but we cannot also force people to use their private health cover. We can ask them to use it, we can encourage them to use it; we can encourage them to use it in the public system as a revenue stream. We are certainly looking at ways to do that. We have the highest level of private health cover in the country and the lowest utilisation of it. That is partly linked to the level of service that is offered in the private system but it also reflects very positively on the public system—something no doubt we will not hear from those opposite.

### **Canberra Hospital—hydrotherapy pool**

**MR DOSZPOT:** My question is to the Minister for Health, concerning the hydrotherapy pool at the Canberra Hospital. Minister, the opposition has received representations from a number of constituents who are concerned about the mooted closure of the Canberra Hospital hydrotherapy pool. The TCH pool is a vital facility for a number of Canberra organisations, including Arthritis ACT. Minister, is it proposed to close the Canberra Hospital hydrotherapy pool?

**MS GALLAGHER:** At some point in time it is, certainly because it is currently occupying an area of the hospital that will be part of the redevelopment of the hospital. However, I think the issue did arise—where I have tried to pick it back to—at a meeting about service offering at the new subacute hospital, which is where the new hydrotherapy pool will be built, in time. People and an organisation in particular, Arthritis ACT, I think, left that meeting and mailed out to their members that the pool was for imminent closure, which is not correct.

There will be a public hydrotherapy pool at all times, whether it be something we contract to the private system if the one at the subacute hospital is not open in time for the one at Canberra to close. There will be change. But there is no closure. I have written to the organisations. I have said there must have been a misunderstanding from this meeting.

When we refurbished the hydrotherapy pool not long ago, because it is an ageing piece of infrastructure at the hospital, we were able to make private arrangements for all of those people, and it was all managed very carefully and without problems. If that needs to happen again for the small window between the decommissioning of the present pool and the commissioning of the new one, we will look at that, but there will always be a public option for hydrotherapy services in Canberra.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, what consultations has ACT Health had with users of the hydrotherapy pool, and what are the names of any organisations consulted?

**MS GALLAGHER:** I understand where the concern arose. There was not a consultation process about shutting the pool because we are not shutting the pool imminently, which is the language that was used. There was a healthcare consumers forum meeting about services that were to be offered at the new University of Canberra subacute hospital. It was after that meeting, and some misunderstanding at that meeting—there was a range of groups represented there—where people thought the message was that the pool was for imminent closure. When that feedback was given to me and to Health, and it came in pretty thick and fast after the Arthritis ACT mail-out to their members, we responded very quickly. A statement was issued; I have written to everybody. I have spoken to healthcare consumers about the meeting; they were concerned that it was a take-home message from there as well.

There is an enormous amount of consultation happening with organisations about the service level offering at the new hospital. That will continue. So there will be consultation around the new pool. At some point the old pool will shut. It is old. We shut it for eight months in 2009 and we were able to facilitate the appropriate level of service for people in a public way by using a private facility.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, on what date do you anticipate that the new hydrotherapy pool will be opened at the new hospital?

**MS GALLAGHER:** It will open when the University of Canberra public hospital opens.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, what advantages will accrue to patients from the co-location of this hydrotherapy pool at the new subacute hospital at the University of Canberra, in my electorate of Ginninderra?

**MS GALLAGHER:** I thank Dr Bourke for the question. There is improvement certainly in relation to infrastructure. The pool at Canberra Hospital is ageing. It needed a lot of repairs in 2009. The appropriate clinical programs that will be offered will align at the new UC public hospital, where patients will have first-rate access to infrastructure, clinicians and, importantly, the connections with the university. We have never had a specialised rehabilitation and subacute facility. We have had the services, but this will certainly improve it and further strengthen our relationship with the University of Canberra.

### **Community services—microcredit program**

**MS PORTER:** My question is to the Minister for Community Services. Minister, can you inform the Assembly of how the ACT microcredit program assists low income and vulnerable groups to establish businesses?

**MR GENTLEMAN:** I thank Ms Porter for her question and interest in the microcredit program. The ACT microcredit program is a partnership between the ACT government, the Lighthouse Business Innovation Centre and Westpac Bank. The program provides low-interest and fee-free loans from Westpac Bank to eligible low income earners who wish to start up or expand an existing business.

The program also provides loan recipients with business skills development, individual mentoring, peer support and access to a range of networking events through the Lighthouse Business Innovation Centre in Fyshwick. The program seeks to encourage groups such as Aboriginal and Torres Strait Islander people; migrants; young people; women; and lesbian, gay, bisexual, transgender and intersex persons to refine their ideas into a viable business opportunity.

I am pleased to inform the Assembly that, in the first six months of the program being operational, eight loan applications were received, of which six have been approved. The total amount of loans issued under the program since February 2014 is \$28,000. These loans have supported a range of innovative business ideas which have included the development of a stain removal formula for high end fashion fabrics, the creation of a new publication to be distributed to Canberra cafes, providing an affordable advertising option for other businesses, and the expansion of an ethical and sustainable fashion brand.

It is important to note that the applicant's ability to repay the loan is a key consideration. Lighthouse will not provide loan funds to anyone who is expected to experience financial difficulty in meeting the repayment obligations. Where the applicant is assessed as not being suitable to receive a loan, Lighthouse will work with the applicant to find other sources of support for their ideas and projects, and help them to further refine their business ideas.

The microcredit loans are available on a competitive basis and two forms of funding are available. They are interest-free loans of up to \$3,000 with a preferred repayment period of two years for applicants with a well-developed business idea, and low interest rate loans at a flat three per cent interest rate for between \$3,001 and \$10,000 funding with a preferred repayment period of two years for applicants with both an existing business and a customer base. The key difference between the two types of loans is whether the applicant is in the development phase of a business idea or already has an existing business. The no-interest loan enables an idea to be tested and it provides for the purchase of essential equipment.

I am very pleased that the ACT microcredit program is supporting people in Canberra to get their business ideas off the ground and supporting the development of small, innovative businesses in our community.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, could you expand on those opportunities that have been funded through the program?

**MR GENTLEMAN:** As I have just mentioned, six loan applications have been approved and \$28,000 provided in loans since February this year. One of the examples is a start-up company that aims to provide property and owner specific advertising and marketing material for the sale of real estate. Dream Real Estate Advertising and Marketing Pty Ltd received a \$3,000 no-interest loan to produce marketing material that ensures a cost-effective solution currently not being provided to real estate vendors. This service will be available directly to the vendor rather than through the agent, making response times quicker and more cost effective. Support under the loan program will focus on marketing and refining the business model.

Another example is a new free publication called *Coffee Tree Weekly*, which is distributed around Canberra cafes. The aim of the publication is to provide an affordable print platform for small to medium businesses to be able to advertise their products and services. The publication is currently distributed to around 80 cafes in the ACT.

Pure Pod is another business that has benefited from the microcredit program. A pioneer of the eco and sustainable fashion industry, Pure Pod, recently signed a three-year agreement with a TV production company to produce a range of licensed children's clothing for their television show. The distribution rights cover Australia, New Zealand and the United Kingdom. The funding Pure Pod received under this program will enable the company to look at cost-effective production and distribution options. Support will also focus on key business support areas such as financial management, business planning and forecasting.

These are just three of the small businesses that the ACT microcredit program is currently supporting. I look forward to hearing about the progress of all of our microcredit funding recipients in the future.

**MADAM SPEAKER:** Supplementary question, Ms Berry.

**MS BERRY:** Minister, what is the eligibility criterion for applicants wishing to seek funding from the microcredit scheme?

**MR GENTLEMAN:** I thank Ms Berry for her question. Loans are available on a competitive basis, and eligibility for no-interest loans includes a combined family income of no higher than \$65,000; ACT residency for a minimum of six months, and there is proof of residency required there; and businesses to be currently based in the ACT. The criteria successful applicants must meet for no-interest loans are that they must have a well-conceived business idea, the ability to articulate the ideas and an understanding of the market in which they operate. Funding can only be used for material or equipment essential to the establishment of the business. Funding cannot be used for personal expenditure. Applicants also have to demonstrate a clear commitment to the success of their business idea as well as a willingness to participate in the development program.

Eligibility for low interest loans includes a combined family income of no higher than \$75,000 and ACT residency et cetera. Applicants must demonstrate that clear understanding of their market and method.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, have the very significant changes to the program, since its beginning, not yet been extended to at-home dads who are also a vulnerable group in our community? If not, why not?

**MR GENTLEMAN:** No, there is no provision for at-home dads in this program but I understand that the economic development directorate have a significant number and range of grants, funding advice and support available to other people wishing to set up or develop existing ACT businesses.

**Ms Gallagher:** I ask that all further questions be placed on the notice paper.

### **Supplementary answer to question without notice Planning—Stirling**

**MR GENTLEMAN** (Brindabella): I have some further information in regard to Mrs Jones's question about the property in Stirling. I can advise that EPD had informed the lessee that a controlled activity was to be conducted on the site and they provided the lessee 30 days to respond. My understanding is that the lessee has not responded within the 30 days. EPD will now commence the process of the controlled activity under the Planning and Development Act. There are a number of rights of appeal and external reviews under the controlled activity process, and I will certainly follow that up. We are working very hard on this process, and we will respond to Mrs Jones's letter as soon as possible.

## **Papers**

**Madam Speaker** presented the following papers:

Euthanasia laws—Limitation imposed by the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth)—Resolution of the Assembly of 18 September 2014—Letter to the Speaker from the Parliamentary Secretary to the Prime Minister, dated 28 October 2014.

Standing order 156—Ruling—Correspondence from the:

Chief Minister to the Speaker, dated 29 October 2014.

Speaker to the Chief Minister, dated 6 November 2014.

Standing order 191—Amendments to the Mental Health (Treatment and Care) Amendment Bill 2014, dated 6 November 2014.

## **Executive contracts Papers and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development): For the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

- Anita Perkins, dated 13 November 2014.
- Annette Lane, dated 6 and 23 October 2014.
- Carolyn Grayson, dated 30 October 2014.
- John Fletcher, dated 6 November 2014.
- Loretta Zamprogno, dated 6 November 2014.

Short-term contracts:

- Austin Kenney, dated 11 and 12 November 2014.
- Daniel Walters, dated 31 October and 3 November 2014.
- Elizabeth Lopa, dated 7 and 10 November 2014.
- Helen Pappas, dated 11 and 12 November 2014.
- Margaret Stewart, dated 21 and 22 October 2014.
- Mark Collis, dated 6 November 2014.
- Mary Toohey, dated 6 and 7 November 2014.
- Thomas Gordon, dated 27 and 28 October 2014.

Contract variations:

- Andrew Baker, dated 24 and 27 October 2014.
- Andrew Kefford, dated 24 and 27 October 2014.
- Christine Nolan, dated 6 and 7 November 2014.
- Fiona Barbaro, dated 21 and 22 October 2014.
- Mark Whybrow, dated 29 and 30 October 2014.
- Moira Crowhurst, dated 31 October and 4 November 2014.
- Paul Lewis, dated 12 November 2014.
- Timothy Norris, dated 23 and 27 October 2014.
- Trevor Vivian, dated 3 and 4 November 2014.
- Wilhelmina Blount, dated 5 and 6 November 2014.

Expired and superseded executive contracts not tabled in the Legislative Assembly—Schedule.

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

Leave granted.

**MS GALLAGHER:** Madam Speaker, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Today I present five long-term contracts, eight short-term contracts and 10 contract variations.

On 24 October 2013 I provided the Assembly with a schedule of executive contracts that had not been tabled within the time frame stipulated by the Public Sector Management Act 1994. As I indicated at that time, I was unhappy with the level of noncompliance with the executive contract tabling requirements. I also tasked the ACT public service with conducting a comprehensive audit of all Shared Services data in relation to executive contracts with a view to tabling a further list of any contracts that were identified by that audit.

That work is now complete. Today I table a schedule of 145 executive contracts. None of these are live contracts; they are contracts that have reached their end date or have been superseded by more recent contract arrangements. Accordingly, contracts on this list are for former ACT public sector executives or current executives who have moved to another executive position.

I wish to assure the Assembly that compliance with executive contract tabling requirements is being strictly adhered to and monitored by Shared Services under new administrative measures introduced at the beginning of this year. All executive contracts created under the new arrangement have been tabled within six sitting days of being signed by both parties as per the terms of the Public Sector Management Act. The details of all contracts will be circulated to members.

### **Assembly resolution—government response Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development): For the information of members, I present the following paper:

Pregnancy discrimination in the workplace—Report to the Legislative Assembly on the issue of pregnancy discrimination, dated November 2014, pursuant to the resolution of the Assembly of 6 August 2014.

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

Leave granted.

**MS GALLAGHER:** I present the report on pregnancy discrimination in the ACT. The report was prepared in response to a motion moved by Mrs Jones in August 2014, and I commend the report to the Assembly.

### **Paper**

**Ms Gallagher** presented the following paper:

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Administrator of the National Health Funding Pool—Annual Report 2013-14, dated 28 October 2014.

**Financial Management Act—consolidated annual financial statements 2013-2014**  
**Paper and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2013-2014 financial year, dated 27 and 30 October 2014.

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

Leave granted.

**MR BARR:** I present to the Assembly the 2013-14 consolidated annual financial statements for the territory. I am pleased to report that the consolidated statements received an unqualified audit opinion from the Auditor-General on 30 October 2014. The final 2013-14 headline net operating balance for the general government sector is a reduced deficit of \$187.8 million. This represents a \$77.6 million decrease in the forecast estimated outcome deficit. As a result of the findings during the audit process the headline net operating balance increased by approximately \$10.1 million when compared to the June interim result. This variation was mainly due to the recognition of additional gains from contributed assets identified during the audit process.

The key financial indicators in the balance sheet remained strong. Overall there was a small decrease in the territory's balance sheet mainly due to an increase in the superannuation liability, factors that were discussed in question time, and an increase in borrowings to fund the territory's infrastructure program. The next update to the territory's financial position will be released with the mid-year budget review, which will be released early in 2015.

The financial statements I present today have been prepared in accordance with Australian accounting standards and are in line with the requirements of the Financial Management Act 1996. I commend these consolidated statements for the territory and the audit opinion to the Assembly.

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

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 September 2014.

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

Leave granted.

**MR BARR:** I present to the Assembly the September quarter 2014 consolidated financial report for the territory. This report is required under section 26 of the Financial Management Act 1996. The September quarter headline net operating balance for the general government sector was a surplus of \$191.2 million. This result was \$35.1 million lower than the year-to-date budget of \$226.4 million. Total revenue for the general government sector for the quarter to 30 September 2014 was \$1.3591 billion. This is \$30.6 million lower than the September year-to-date budget figure of \$1.3896 billion.

The major variations in total revenue include lower than expected gains from contributed assets of \$26.1 million, this being associated with the timing of the transfer of assets from the Land Development Agency and from external developers and lower than expected commonwealth grants revenue of \$12.9 million due to the timing of payments from the commonwealth.

Total expenses of \$1.199 billion were broadly in line with the year-to-date budget of \$1.1917 billion. The GGS balance sheet remains strong, represented by key indicators such as net financial liabilities and net worth. I commend the September quarterly report to the Assembly.

## **Financial Management Act—instruments Papers and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events): For the information of members, I present the following papers:

Financial Management Act—Instruments, including statements of reasons, pursuant to—

Section 16B—Instrument authorising the rollover of undisbursed appropriation of the Legal Aid Commission (ACT), dated 4 November 2014.

Section 19B—Instrument varying appropriations related to the Education and Training Directorate, dated 28 October 2014.

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

Leave granted.

**MR BARR:** As required by the Financial Management Act 1996, I table two instruments issued under sections 16B and 19B of the FMA. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given.

Section 16B of the Financial Management Act 1996 allows for the Treasurer to authorise an appropriation to be rolled over from one financial year to the next. The attached section 16B instrument, signed by me as Treasurer, authorises a total of \$94,000 of undispersed net cost of outputs appropriation relating to the back pay of salary increases from 2013-14 to 2014-15 fiscal year to the Legal Aid Commission.

Section 19B allows the Treasurer to authorise an appropriation for any new commonwealth payments where no appropriation has been made in respect of those funds. The attached section 19B instrument, again signed by me as Treasurer, provides for an increase of \$213,400 in payment for expenses on behalf of the territory for the Education and Training Directorate for the more support for students with disability national partnership, non-government schools.

Additional details regarding these instruments are provided in the statement of reasons accompanying each of the instruments I have tabled this afternoon. I commend those instruments to the Assembly.

### **Icon Water Ltd—modified statement of corporate intent Paper and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events): For the information of members I present the following paper:

Territory-owned Corporations Act, pursuant to subsection 19(3)—Modified Statement of Corporate Intent 2014-15 to 2017-18—Icon Water Limited, dated 17 November 2014.

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

Leave granted.

**MR BARR:** In accordance with section 21 of the Territory-owned Corporations Act 1990, I hereby present the modified 2014-15 statement of corporate intent for Icon Water Ltd, formerly known as ACTEW Corporation Ltd. I tabled the original statement of corporate intent in the Assembly on 3 June this year. Apart from the change of name on 31 October, the changes appearing in the modified 2014-15 statement of corporate intent have resulted from a revised strategic planning focus and restructuring within the organisation.

The changes from the original 2014-15 statement of corporate intent that I tabled in the Assembly in June of this year are as follows: new core purpose and values, replacing the “old” vision and mission statements in the original statement of corporate intent; new strategic goal and objectives; the integration of the original six strategies into four higher level strategic objectives; and the alignment of performance measures and targets with Icon Water’s four strategic objectives.

I wish to advise that there has been no change in the financial statements contained in the modified statement of corporate intent. However, as a consequence of Icon Water

adopting revised priorities, which have been reduced from six to four, these will no longer align directly with the priorities identified in the 2014-15 budget papers. However, I do not consider this to be a significant issue. I now commend Icon Water's modified statement of corporate intent to the Assembly.

## Papers

**Mr Corbell** presented the following papers:

Human Rights Act, pursuant to subsection 43(1)—Economic, social and cultural rights in the *Human Rights Act 2004*—Section 43 review, dated November 2014.

ACT Criminal Justice—Statistical Profile 2014—September quarter.

Rail Safety National Law (NSW)—Rail Safety National Law National Regulations 2012.

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

Legislation Act, pursuant to section 64—

Duties Act—Duties (Corporate Reconstruction) Determination 2014 (No 1)—Disallowable Instrument DI2014-288 (LR, 13 November 2014).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2014 (No 1)—Disallowable Instrument DI2014-287 (LR, 10 November 2014).

Gene Technology (GM Crop Moratorium) Act—Gene Technology (GM Crop Moratorium) Advisory Council Member Appointment 2014 (No 1)—Disallowable Instrument DI2014-284 (LR, 6 November 2014).

Health Act—Health (Fees) Determination 2014 (No 4)—Disallowable Instrument DI2014-285 (LR, 6 November 2014).

Magistrates Court Act—

Magistrates Court (Fisheries Infringement Notices) Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-28 (LR, 12 November 2014).

Magistrates Court (Major Events Infringement Notices) Regulation 2014—Subordinate Law SL2014-30 (LR, 17 November 2014).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2014 (No 2)—Subordinate Law SL2014-26 (LR, 22 October 2014).

Official Visitor Act—Official Visitor (Disability Services) Visit and Complaint Guidelines 2014 (No 1)—Disallowable Instrument DI2014-286 (LR, 5 November 2014).

Planning and Development Act and Financial Management Act—Planning and Development (Land Agency Board) Appointment 2014 (No 2)—Disallowable Instrument DI2014-280 (LR, 27 October 2014).

Public Place Names Act—Public Place Names (Mitchell) Amendment Determination 2014 (No 1)—Disallowable Instrument DI2014-278 (LR, 23 October 2014).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2014 (No 10)—Disallowable Instrument DI2014-283 (LR, 3 November 2014).

Rail Safety National Law (ACT) Act—Rail Safety National Law (ACT) Regulation 2014—Subordinate Law SL2014-29 (LR, 17 November 2014).

Road Transport (General) Act—Road Transport (General) Application of Road Transport Legislation Declaration 2014 (No 3)—Disallowable Instrument DI2014-282 (LR, 29 October 2014).

Road Transport (General) Act and Road Transport (General) Regulation—Road Transport (General) MyWay Smart Card Fees Determination 2014 (No 1)—Disallowable Instrument DI2014-277 (LR, 30 October 2014).

Taxation Administration Act—Taxation Administration (Land Tax) Determination 2014 (No 2)—Disallowable Instrument DI2014-279 (LR, 27 October 2014).

Work Health and Safety Act—Work Health and Safety Amendment Regulation 2014 (No 3)—Subordinate Law SL2014-27 (LR, 30 October 2014).

**Ms Burch** presented the following papers:

Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners—Annual report—1 July 2013 to 30 June 2014, dated November 2014.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Education and Training Directorate—Corrigendum, dated November 2014.

## **Children and Young People Death Review Committee—annual report**

### **Paper and statement by minister**

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing): For the information of members I present the following paper:

Children and Young People Act, pursuant to subsection 727S(5)—ACT Children and Young People Death Review Committee—Annual Report 2013-14, dated 31 October 2014.

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

Leave granted.

**MR GENTLEMAN:** As Minister for Children and Young People, I table the death review committee annual report to the ACT government. The committee was established in 2011 as an independent, multi-sectoral committee under the Children and Young People Act 2008, with members appointed in January 2012. The committee is chaired by Dr Penny Gregory and there are 12 other members of the committee representing ACT government directorates, ACT Policing and non-government community agencies.

The committee has a number of functions, including establishing a register of deaths of children and young people, identifying patterns and trends in relation to the deaths of children and young people, and determining research that would be valuable in this area. The role of the committee is not to apportion blame or identify any particular areas of underperformance but to identify what may be learnt from the circumstances of a child's or young person's death.

The committee is able to make recommendations about legislation, policies, practices and services for implementation by government and non-government bodies with the aim of preventing or reducing the number of deaths of children and young people in the ACT and improving services. In the past this has included producing fact sheets on matters such as unsafe sleeping practices for babies and co-sleeping. These fact sheets are publicly available and have assisted professionals working with families to deliver up-to-date, practical advice and support to promote safe sleeping practices and reduce the potential for premature death.

Today I table the third annual report produced by the committee. This year's report provides an overview of data related to the deaths of ACT children and young people over a five-year period from 1 July 2009 to 30 June this year. The report does not make any recommendations and does not draw any particular conclusions. This year the committee's report focuses primarily on the presentation of data and analysis relating to the deaths, as required by chapter 19A of the Children and Young People Act 2008, with the contextual information about the committee and its activities being available and regularly updated on its website, [www.childdeathcommittee.act.gov.au](http://www.childdeathcommittee.act.gov.au).

In this period there were 153 deaths of children and young people recorded on the register, of which 114 were recorded as normally living in the ACT. Of these 114 deaths, five are awaiting coroner's findings and will be included in subsequent annual reports. Accordingly, this year's annual report provides information about the deaths of 109 ACT children and young people over a five-year period.

Key data and findings from these 109 deaths are as follows: between 2009 and 2014 the number of children and young people who died has been relatively static. There has been an overall decrease in infant mortality for both the ACT and Australia for the years 2009 to 2012. Males accounted for 63 of the 109 deaths. Sixty-six deaths were of children less than one-year-old—60.6 per cent—including 51 deaths that occurred in the neonatal period of less than 28 days of age, or 46.8 per cent. Sixty deaths were due to medical causes.

Eight children and young people who died were identified as Aboriginal and/or Torres Strait Islander, or 7.3 per cent. Twenty-nine of the children and young people who died and/or their families were known to ACT Policing, and of these 29 children, young people and families, 16 were only known as a result of the death incident. None of the children and young people who died were known to youth justice services. Fifteen children and young people who died and/or their siblings were subject to a child protection report under section 360(5) of the act—13.8 per cent. This means that the Director-General of the Community Services Directorate suspected on reasonable grounds that the child or young person may be in need of care and protection.

A further 12 children and young people who died and/or their siblings were subject to a child concern report, or 11 per cent, which is information about the child or young person recorded by Care and Protection Services where the director-general did not suspect on reasonable grounds that the child or young person was in need of care and protection.

Eleven children and young people were the subject of active intervention by Care and Protection Services at the time of their death. When a child or young person is referred to as being subject to intervention at the time of his or her death, this type of intervention was either in the form of voluntary casework, a residence order, a voluntary care agreement or an ongoing appraisal. It does not necessarily mean the child or young person was in the care of the Community Services Directorate. I am fully briefed in the event that there is a death of a child in the care of the Community Services Directorate. These matters are always independently reviewed, normally through a coronial inquiry.

As outlined in previous reports of the committee, the majority of these deaths were of infants less than one year of age. When looking across all age groups, the main cause of death was medically related.

It would be inappropriate to go into any more detail on individual cases, given the small numbers involved and the sensitivities felt by the many people involved with a child's or young person's death. A retrospective report to be completed in the next year will cover a 10-year time frame rather than the five years contained in this report. This bigger cohort may facilitate a more detailed analysis of any trends and the surrounding circumstances.

The ACT Children and Young People Death Review Committee annual report will provide the community with information each year on the deaths of children and young people that occur in the ACT, as well as those deaths of ACT children and young people that occur outside the ACT.

The death of any child or young person is devastating. I would like to take this opportunity to extend my condolences to all families and friends affected by the death of a child or young person.

I formally commend and present the ACT Children and Young People Death Review Committee annual report 2013-14 to the Assembly and I take this opportunity to thank the committee for their work over the past year.

## **Small business—importance**

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

**MADAM ASSISTANT SPEAKER** (Ms Lawder): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Hanson, Mrs Jones, Ms Porter, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Smyth be submitted to the Assembly, namely:

The importance of small businesses to the ACT economy.

**MR SMYTH** (Brindabella) (3.59): It is a great opportunity to stand up here and praise the 24,377 individuals who had the courage to take a punt, to get out there, to follow their dream and either purchase or start their own small business. These are from the ABS small business stats: there are 24,377 small businesses in the ACT with 13,000 in the electorate of Canberra and some 11,000 in the electorate of Fraser. If we break them down by industry they include 522 businesses in the agriculture, forestry and fishing category, only 22 in mining, 573 in manufacturing, 22,704 in the service industries—some 93 per cent of all businesses—and 556 in unclassified businesses.

It is interesting when you look at those numbers to note not only some of the diversity but also the concentration in the service industries. The Australian government's small business key statistics and analysis report also makes comment on that. It follows some conversation about other jurisdictions and goes on to say:

Conversely, the Australian Capital Territory has the highest proportion of small businesses in the services sector (over 93 per cent) and the smallest proportion of small businesses in the *agriculture, forestry & fishing, mining and manufacturing* sectors.

I am sure we all understand why the agriculture, forestry and fishing, mining and manufacturing sectors have such a small number—that is, the nature of the city-state. But what is interesting is another section in the report that looks at the ratio between the number of businesses and the population of the state. Page 37 of the report says:

While in the more populous states the proportion of small businesses aligns very closely to the proportion each state has of the total Australian population, the smaller states and territories are underrepresented by small businesses relative to population size.

Further it says:

Tasmania, accounted for 2.3 per cent of the total Australian population, but accounted for only 1.8 per cent of the small business population in June 2011. Both the Australian Capital Territory and Northern Territory are also underrepresented by small business activity, with the Australian Capital Territory accounting for 1.6 per cent of the total population and 1.2 per cent of small businesses ...

There is both the rub and the opportunity for this territory. It is quite clear that small businesses are wealth creators. Indeed, a recent insight report in *ASDReports* called "Running a family business" says in the summary:

Family businesses continue to be a fundamental source of private wealth creation, and a key engine driving the world economy.

One of the key highlights in the report is that approximately 38 per cent of all firms in emerging Asia Pacific markets were only listed on the stock market after the year 2000. Again, there is the opportunity. We clearly have a desire, I would assume, from

the government to create wealth, wealth that can be taxed—at a reasonable rate, one would hope—and help address some of the budget problems the ACT faces. But we currently suffer from the fact that we account for only 1.2 per cent of small businesses when we account for 1.6 per cent of the population. It is that relativity that would show we could easily grow the small business sector if the conditions were right.

Part of the problem with this is that we have a government that, for instance, through their land tax hikes have addressed the issue of what they saw was a distortion where most of the land tax was being paid by single dwellings so now they have hit the other side—unit properties. We have seen this government go after the general employer exemption, saying they were avoiding paying payroll tax. But they did no analysis as to whether or not the exemption was contributing to the growth of small businesses in the ACT. If you simply take the narrow view that there is a tax that we want to apply broadly without taking into consideration what having a genuine employer exemption might have done in terms of the creation of new businesses in the ACT, then business is clearly being sold short by this government and the population is being sold short by this government.

In the case of the general employer exemption to payroll tax, it was done because people needed to be part of a group that had access to the government panels. The government did not do any of this work. I asked in the briefing whether they had done the analysis and the answer was no. What we have is a knee-jerk reaction—“The budget’s in a bad state. We’ll just up payroll tax”—instead of asking how we can address long term the dilemma of the number of businesses relative to the total population and increase our revenue base and how we can make business more successful in the ACT so that we can tax it—at a reasonable rate, of course—to ensure that we can pay for those services. But no, we have a government that is very short-sighted, and a government that until the last couple of years—probably just before the last election—had failed to acknowledge the importance of the small business sector in the ACT, and that is a shame.

We know from the *ASDReports* that family businesses, in particular small business, create wealth. If we are creating wealth, we are creating a future, and we need to create the industries that allow us to have that future. In the ACT—you can see it from those stats I started with—it is in the service industries and the creative industries that we have the greatest potential. Unless there is a big goldmine waiting to be discovered out there somewhere in the ACT, mining is not going to be a big driver of the ACT economy and neither is agriculture, forestry and fishing. Indeed, because of the tyranny of distance much of Australia suffers from, beyond local consumption or high end products that one might export—for instance, the wine market that is growing around the world with its insatiable thirst for Australian wines, particularly cool climate wines from the Canberra region—manufacturing is not going to be a big driver of business either in the ACT.

**Mr Barr:** Wine is more agriculture.

**MR SMYTH:** I know it is more agriculture, but neither manufacturing nor agriculture is going to be a big driver. They will be boutique and they will add to our reputation and they should be encouraged, but it is in that service industry. It is

service to the federal government, which we all know has the dilemma of the endless cycle of ups and downs of federal government—Labor governments spending big and creating debt; Liberal governments coming in and cleaning up the mess—which we have seen so many times in the last couple of decades.

*Government members interjecting—*

**MR SMYTH:** You can groan over on that side, but it is the truth.

**Mr Wall:** Have a look at the latest ABS stats.

**MR SMYTH:** That is quite right; just have a look at the stats. One of the ways to ameliorate some of those impacts is to lift the relativity from 1.2 to 1.6 per cent so that we get the relativity we see in the other states.

It is interesting that when you look at the service sector you can see some start to that happening in the ACT. But it is about asking what sort of city we want to live in. Andrew Fisher, when the foundation stone was laid, said that this should be a city of governance, a city of education, and a city of the arts. For instance, when Washington was founded in the 1790s the founding fathers said they saw Washington—almost identical words—as a city of governance, a city of education, a city of arts, but they also said a city of commerce. Indeed, I think Canberra could add that to Fisher’s original quote.

Let us work through it. The government, as we know, is a staple; it provides half the employment in the territory. It is our primary function, and servicing that government is something the private sector, I am sure, love to do. They would like some more certainty, and we need to ensure that, when the federal government is not spending, there are other opportunities there.

In terms of education, I think we are all coming to appreciate how successful our local education institutions are and what a big market is out there. For instance, I am told that Indonesia will have to educate millions of new teachers over the next decade to support their population. There is an opportunity for the education facilities in the ACT that train teachers to ensure we cash in on that. But it is beyond that. If we go beyond education we get to the arts. It is quite clear that the arts are drivers of economies, they are drivers of creativity, they help create wealth, and they are the basis of the creative industries. I think the arts in the ACT are currently well and truly underdone and are not being served well by this government and particularly by this minister.

Berlin, for instance, has its University of the Arts which goes well beyond the traditional fine arts, performing arts and visual arts and includes things like design and architecture because it sees them as important drivers of the future. A number of the universities of the arts around the world do that.

When we get to addressing that difference between 1.2 per cent of the total number of businesses in the country and 1.6 per cent of the total number of population, we certainly need to have the environment that allows us to say these are the things we

are good at and this is the reputation we are building on and make sure we present the opportunities and provide support for those that take the risk to join the ranks of the 24,377 businesses that currently exist as listed in the stats.

But that does not come about by paying lip-service to business in the ACT; it comes about through genuine dialogue with them, listening to them and delivering what they want. The problem with this government—and we hear it constantly and we saw it again this morning in the gambling red tape reduction bill—is that there is this sudden urge to get rid of all the red tape that this government has put in place over the last 13 years. We are getting such tiny increments of change to things that people on this side of the house have been complaining about for years and will continue to bring to the attention of the government.

We saw the disastrous budget of 2006 where just about all the business assistance the government offered disappeared, and we have seen since 2006 that it has been slowly all put back in place because they realised the damage they had done. But most of what the government has done is simply to rename or rebrand or rehash or relaunch things that used to exist—many of them going back to the former Liberal government, and even before that, going back to the former Follett governments—that were so disastrously destroyed. You can see that that has had an impact on confidence, and so much that drives the business sector is, indeed, confidence. It is that old line: nothing to fear but fear itself.

We need the government to go beyond the lip-service that I and most people out there believe the government pays. It is important that we have a framework that starts with an aspiration. It is about saying, “Yes, we can grow the business sector.” We know when the Liberal Party came to office in 95 that private sector employment in this town was at 40 per cent; when they left it was 60 per cent. We now know it is back down to about fifty-fifty, and that is the problem. We have a government that does not have a vision for the financial independence of this territory. You only have to go to, I think it is, page 42 of budget paper 3, where the Treasurer says the deficits are temporary—it will all come back when the government starts spending again. If you have that sort of attitude, then things are not going to change.

There is a great deal of potential out there, and a number of businesses are doing well. Let us face it, the great names—whether it be TOWER Software, whether it be CEA Technologies, whether it be Aspen Medical—all started with an individual or two individuals getting together and saying, “I’ve got this idea.” A moment of enlightenment where the light bulb goes on and they say, “Let’s give it a go.” But what we have to have is a situation where those people know that the support is there, and there all the time, that the framework of regulation, taxation and business infrastructure, for instance, is there to enable them to put their product on display, test their product to get their product to market and that they have the support of their government—not just when it suits the government when there is a low point but all the time.

If we truly want a more sustainable city and a city where we are able to fund improvements in the wellbeing of all its citizens, we need other revenue sources beyond the Treasurer’s insistence that the good times will come back when the federal

government starts spending again. We can carve our own way. We can address many of the problems that this government faces by addressing that imbalance between 1.2 per cent of businesses where we have 1.6 per cent of population. We can move forward working on our greatest potential, our greatest asset, which is the people of the ACT—well-educated, well-motivated, smart people who have a world view in many cases and who have excellent products or services but need some assistance to get them to market.

The number is 24,377; congratulations to those who have taken the plunge. The challenge for the government is to ensure that there is more and that we address the imbalance between total number of businesses and population. To those aspirations of the early days of the capital when the founding fathers wanted to see us as a city of governance, education and the arts, let us add “business” or “commerce” so that we can steer our own way and improve the wellbeing of the environment and all of the people in the ACT. (*Time expired.*)

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events) (4.15): I thank Mr Smyth for bringing this important matter to the Assembly this afternoon. For a short time there I thought we were going to get a 100 per cent positive speech from the shadow treasurer. But it was probably too difficult to sustain 15 minutes of positivity about small business and the ACT economy. We get the same old hoary chestnuts. Apparently, Labor is bad for small business. This simply reflects the fact that Mr Smyth has not generated a new idea in this policy area and in this debate in the eight years I have been in this place, and we can then go back over the 15 years or more now that he has been a member. But there we go.

Let me go to the positive, though, Madam Assistant Speaker. The government understand small business. We understand that it is small business that makes our economy tick and that it is small businesspeople who take the risks. We understand that it is the government’s job to help make the business environment as encouraging as possible. We are doing our part, and there is no doubt that small business is doing its part.

The key driver of opportunity for small business in the territory economy is the overall level of economic growth. This government has overseen an economy which has grown by almost \$1 billion a year every year for 12 years. Where our economy has grown over that period, so too has the small business sector. For the benefit of the shadow treasurer, the small business sector in the territory has grown by almost four per cent in the past four years. This is double the national average. On average, 10 small businesses have been established in Canberra every month for the last 10 years. I repeat that: 10 new small businesses established in Canberra every month for the last 10 years. The small business sector now makes up over 95 per cent of Canberra businesses. The ACT has the most small business friendly payroll tax system in Australia. With a \$1.85 million payroll tax threshold, this is by far the most generous threshold and the most supportive of small business anywhere in Australia, and we are committed to moving this threshold higher in the future.

We have made a number of reforms to our procurement systems to make it easier for small business to compete for ACT government work, including a weighting in favour of local small and medium-sized enterprises from the capital region. We have made a number of legislative reforms to extend the length of business licences and registrations so that small businesses do not need to come back and spend time reapplying every year. We have streamlined a range of approvals associated with access to public space, with a particular focus on outdoor dining, and, of course, we have made decisions to remove the requirements for the display of a number of licences and registration labels for light vehicles and further reforms that have assisted in removing a range of previously longstanding requirements on small business. We are focused on making sure that local businesses can take advantage of this city's and this region's natural strengths. We are helping small businesses to grow into larger businesses.

As the shadow treasurer observed—and it was a correct observation—our service economy punches well above its weight. The government are encouraging the support and growth of this sector, particularly local exporters, through our Invest Canberra facilitation and also our global connect programs. The important point to note here—and Mr Smyth made the observation about how we have 1.6 per cent of Australia's population—is that we now account for nearly 2½ per cent of Australia's service exports. So 1.6 per cent of the population is generating around 2.38 per cent of Australia's service exports. We are batting above our weight in relation to service exports, and that has been growing in the order of about eight per cent a year in recent times.

We are seeking to support small businesses to assist each other by linking them with the wonderful research and development and innovation that is occurring in this city through the Canberra innovation network. But there is no doubt that there can be uncertain times when the federal government take decisions like they have in recent times. The decisions of the friends and colleagues of those opposite to cut thousands of jobs out of the ACT economy have to have an impact. That is a very simple man-on-the-street test. You ask people what is causing uncertainty in the ACT economy at the moment and the number one response with a bullet is the decisions of the federal government. That may not be convenient for the Canberra Liberals—that their party has taken an axe to employment in this city—but it is a fact and a fact that we will not allow them to walk away from. If they had a genuine concern for small business in their city, they would be beating a path to the doors of their federal colleagues, including their former colleague the invisible senator for Canberra, Senator Seselja, the bloke who has not been seen since this government was elected federally.

Those opposite would also get behind this government and our campaign to deliver major infrastructure projects for the city to attract new investment into Canberra. Delivering new infrastructure and new capital works programs stimulates our economy. We are already seeing reports of the excitement about the business investment that is being generated by the government's infrastructure programs, particularly associated with transport infrastructure but also associated with our investments in enabling private sector investment, particularly in the Woden and Tuggeranong town centres and in Belconnen in recent times.

The problem for those opposite is that, for a party that talk about themselves as a friend of business, they are not talking to many businesses at the moment. If they did, they would know that the Canberra business community is recognising how much effort the territory government is putting into supporting our economy at this time. My source of evidence for this, aside from the thousands of meetings and discussions that I have had with the Canberra business community over the last three or four years in this portfolio, is the Sensis survey of Australian small business, which found that the ACT government “was clearly considered to be the most supportive state or territory government in Australia”.

That same survey found that small business confidence was rising and that support for the policies of the ACT government remained the highest of any state or territory government by a sizeable margin. I know that sort of data is unpleasant for those opposite to hear. The world is a much nicer place for them when they can sit around in their little circles nattering away and ignoring the realities of the outside world. But we are listening, we are engaging and we are responding to the challenges that are before this economy—challenges that are largely being laid down by the decisions of the federal Liberal government to cut thousands of jobs out of this city and to offer no meaningful transitional assistance.

This is the point I have made repeatedly: we have lost three per cent of our workforce, with no transitional assistance. When regions like Geelong, Newcastle, Wollongong, South Australia and parts of western Melbourne lost thousands of manufacturing jobs, there was a rush of support to provide transitional assistance to support those regional economies to make an adjustment. There has been nothing forthcoming from the federal Liberal Party. It simply confirms that the party of recession for the ACT economy is the Canberra Liberals, the Liberal Party. They are the party who have brought a significant amount of economic pain to this city. It stands in marked contrast, Madam Assistant Speaker, to the performance of the territory economy under Labor governments and our desire to invest in our people, to invest in our small businesses and to invest in our economic future.

That is what this government are about. Our key priorities are health, education, transport infrastructure and cleaning up the Mr Fluffy mess. That is what we are focused on, and that will support business growth in this city in the years ahead. That is what we need to get behind. That is what this government are promoting. It is in stark contrast to the position of the Liberal Party, which is all about cuts, cuts, cuts. *(Time expired.)*

**MR RATTENBURY** (Molonglo) (4.25): The Greens agree with Mr Smyth that small business is vital to the ACT economy. I certainly agree that the ACT needs a robust and sustainable private sector which generates significant and meaningful employment in the region. I also agree with Mr Smyth on that basic premise—that we need to look at the opportunities to diversify the sectors that are operating in the ACT—because having a diversified, resilient and dynamic private sector will continue to provide a prosperous basis for our community.

Where we probably differ is on what that looks like and how we get there. For the six years now that I have been in this place I could not count the number of times I have

heard Mr Smyth talk about how we need to diversify our economy, yet I continue to be amazed at the lack of concrete ideas that come forward. We hear a champion performance on identifying the problems but a last-place performance on identifying what the solutions to them might be.

One of the problems, as Mr Barr has touched on, that we find in this place is that quite a few of the issues arising come under the federal jurisdiction and the role of the commonwealth government. That makes it very difficult to solve some of these problems at a local level. There was a great example in this morning's *Canberra Times* where it was reported that an engineering science researcher has won an Australian Academy of Science award for pioneering cheaper and more efficient solar energy. This is the type of Canberra-based research that can lead to start-up industries of the future with an enormous export potential.

What have we had in response from the federal government? We have seen cuts to scientific research. We have seen them drop the price on carbon, which would, of course, help promote these kinds of technologies, and we are seeing attempts to wind back the renewable energy target. All of these policies are in direct contradiction to the attempts of researchers to get businesses going in Australia that will provide a long-term sustainable economic base for this country and, in our case, for this city. That makes a mockery of some of the arguments that we hear brought into this place by Mr Smyth and his colleagues.

In contrast, the Greens, in my time in this place and even prior to that, have brought a whole range of ideas and initiatives to this place to try and promote small business, because we know that small business is a real generator of jobs, particularly compared to spending a lot of money bringing in a large, flashy company, which makes for a great media announcement. What we do know is that building up small business from the ground and getting local industries going means they tend to employ more people and really create significant local economic opportunity.

Certainly, as the TAMS minister, I have been looking at a number of initiatives around issues such as how do we make our local shopping centres more vital and help small businesses in these places. Some very simple examples would be the local shopping centre upgrades and the 40-kilometre-an-hour zones around town centres that are now moving to group centres. These sorts of things create the right environment that makes it possible for small business to flourish. With things like the Bunda Street shareway, research shows that those sorts of environments actually improve economic performance for businesses in the area.

Earlier this year I hosted a food security roundtable which brought together a broad range of stakeholders, including primary producers and urban food producers, distributors and retailers, including farmers markets, consumers such as restaurants and caterers and even advocacy organisations. The roundtable focused on the fact that, in the context of increasing threats of climate change and peak oil, food security is an ever-growing and significant issue. We spent quite a bit of time looking at what can be done in the ACT to increase the amount of food production taking place within the territory. This obviously presents opportunities in terms of both food security and local economic initiatives. I believe agriculture has a role in diversifying the ACT and

regional economy. It certainly should be part of our economic planning, with the potential for a lot of jobs in the sector. Certainly I was quite encouraged by some of the ideas and people's vision about the possibility of creating additional jobs in the territory and additional economic opportunities through promoting food production within the ACT's boundaries.

We need to not be unrealistic about the scale of that, but I think we can do a lot more. Government can certainly play a role in many cases simply through enabling, by the removal of barriers that have built up over time. There has never really been a significant focus on food production in the ACT. There are a lot of barriers that are there because the discussion has not been had. I am certainly looking forward to working with a range of industry players to move that forward.

We know, of course, that the construction of light rail, a well-debated topic in this place, will support many small businesses in the city and along the corridor. That goes to some interesting questions about how we do our urban planning to support small business. The Greens are certainly concerned that there is already an adequate supply of commercial zoning and that the level of retail gross floor area in this town seems to be very high per capita for retail GFA in particular, as well as supermarket GFA, compared to other cities.

If you take the GFA at the airport into account, this is a real problem for ACT retailers, in my view, and only leads to empty shops and lost jobs when businesses go broke. This, in combination with the office vacancy rate, seems to indicate that we have an adequate supply of commercial zoning generally. Unless there is clear evidence of increased need for additional commercial sites, it might be time to level off the amount of commercial zoning but focus on transport corridors, particularly for mixed use. Those areas generate a sustainable base of customers and a sustainable base of ongoing activity. Something like the light rail will generate that along the corridor, as well as the direct work that is going to go into the construction process and the other industries that will flow around the development of that project. That then allows people in those mixed-use developments to fulfil their service and shopping needs by the use of public transport, or perhaps in their local areas they are within walking or cycling distance. It is really about creating more sustainable business environments for a range of new business opportunities in the territory.

In terms of local shops, I think there is a similar point there around the need to make our local shops more viable, ideally through increasing residential development in local shopping centres for communities and businesses. That is a way of ensuring that unviable local centres are given a better lease of life and that businesses have a level of sustainability. Certainly having residential properties within that retail sector makes local shopping centres safer in the evening and provides a guaranteed customer base for businesses.

There are some significant issues with Civic. I think they are probably a discussion for another day, but I am concerned about the way we are seeing the domination of the city by one large landlord and the impact that that is having on smaller businesses in terms of the levels of rent that they need to pay. The night-time economy in the ACT has not figured strongly in previous discussions about government support for small business.

I have been very interested to see in recent days the discussion about live music venues coming back into the press. We need to ensure that we support live music venues and enable a vibrant night-time economy where we can host live music because this promotes a whole range of small businesses, including restaurants, bars and associated industries. There are major problems for live music venues, which include noise regulations. I was pleased to read in today's paper that some work is being done to relook at that. We need to plan for live music precincts and not end up with a situation that we are now seeing arise at New Acton.

I would like to speak briefly about the potential for what is broadly known as the green economy; the idea that we need to build industries of the future that are making products or providing services in a truly sustainable, environmentally friendly way. These are clearly going to be businesses that have strong prospects into the future as we move forward on a planet where we need to have an economy that is not based so much on the consumption of resources which are limited but, in fact, delivers services and goods in a sustainable way and that meets that limit of resources that are available on this planet.

The ACT economy depends very heavily on federal government expenditure. We are seeing the consequences of that at the moment. We are seeing the highest unemployment figures in many years and issues with gross state final demand as a result of cutbacks by the federal government. This underlines the need for us to promote small business and ensure that the ACT has a diverse local economy that can continue to support this great city.

**MR WALL** (Brindabella) (4.35): I thank Mr Smyth for bringing this matter of public importance to the Assembly today. As many members would be aware, small business is most definitely something that is very close to my heart, and it is close to my family. I would not have taken the steps to come to this place if it had not been for my experiences in small business.

It is comforting, from the discussion we have had this afternoon, that at least at some level every party in this place understands the importance that small business plays in our economy. When members come to their feet and put their thoughts in *Hansard*, it is a positive message that is coming out. But like many things, the words are not always followed by actions.

We all know that small businesses are the driving force of our local economy. They employ a large sector of Canberrans and they are small enough to react to opportunities in the market. Small business owners are the innovators of our economy. It is important that government policies are structured to encourage Canberra families to take an opportunity to give an idea a try. Sometimes they might not succeed but, ultimately, if they are not willing to take that risk in the first place, companies such as Aspen Medical, as Mr Smyth mentioned earlier, are not going to thrive and be success stories or become a reality.

The employment opportunities and the jobs that are created through small business are one of the most important parts of our economy. The government policies that affect the ability for a small business to employ have a big influence on the growth and the prosperity of the small business sector in our community.

Recently I met with the Australian Hotels Association, as I regularly do. They raised concerns about the newly minted minister for industrial relations looking to again further legislate public holidays in the territory. If the minister goes through with this proposal that he has been discussing with the industry, the ACT will have potentially up to 17 public holidays in a year. Whilst we all think a public holiday is a great day to spend at home with family or to catch up with friends, the flipside is that it has a negative impact on businesses. When businesses in the hotels sector, as we are talking about here, are paying 2.75 times wages on a public holiday, it has a significant impact on their bottom line.

The minister had been discussing with them the possibility of legislating additional public holidays around the Easter and Anzac Day period. If that happens, the impact on our tourism sector is going to be widely felt. The AHA did a survey of their membership to give an indication of what impact penalty rates have on quiet times in the territory. It is quite telling. They asked their members if they are closing or reducing services provided to guests or clientele as a result of penalty rates. Some 55.56 per cent of their membership responded yes. That is over half of the hospitality providers in this territory providing reduced services or no services through the Easter period as a result of penalty rates.

The other question that was asked was about those that do operate over that Easter period currently and how many of them turn a profit. It is quite disturbing to realise that only 11.11 per cent of businesses in the hospitality sector currently turn a profit during that Easter period.

So when we are talking about ways that we can diversify the economy, or talking about ways we can support small business, issues such as penalty rates certainly play a part. I welcome the discussion at any opportunity to talk about the impact penalty rates have on businesses here in the territory.

Other areas that we need to look at if we are going to encourage the economy to diversify include the rates and taxes that businesses are paying when they set up a premise or a site here in the territory. It is getting to the point now where it is becoming prohibitively expensive to set up premises here in the territory compared to other jurisdictions. Mr Rattenbury noted the increasing number of vacancies through not just commercial but also retail space across the city. That is twofold. Yes, there is an oversupply of space. But also the costs of operating out of that space are so prohibitive that people are not feeling confident enough to take that risk, to take the opportunity—potentially to put the family home on the loan, open up a venture and give it a go. I think that they are the sorts of things that need to be encouraged. People need to be encouraged to give it a go.

The Treasurer was keen to point out the number of new businesses over the last few years that have opened here in the territory. But he only gave half the story. The Australian Bureau of Statistics, in their latest business profile, talk about business entries and exits. For the 2012-13 period, the latest figures, we had a 12.3 per cent increase in the number of businesses opening their doors here in the territory. But that is contrasted against a 15.3 per cent reduction. So we are losing. The net out of that is a three per cent reduction in the number of businesses here in the territory. Those figures have been trailing down gradually over the last few years.

Those opposite are very quick to paint the coalition government federally, and the Canberra Liberals locally, as the tellers of doom and gloom. But look at the ABS statistics further, measuring between June 2009 and June 2013. Bear in mind that that is before the election of the coalition government federally. They were not elected and did not come to office until September 2013, so this is purely under the Rudd-Gillard-Rudd government. For businesses operating in June 2009 here in the ACT, there were 24,308. By June last year—June 2013—the statistical average is that only 60.3 per cent of them were still in business. That is the lowest business success rate in the country.

That is something we should be quite ashamed of here as a jurisdiction. It shows that there is much more we can be doing to support our local business sector and our local economy. It is telling us that, if the businesses are here and opening up their doors and not surviving, there is something wrong going on in the economy between them opening their doors and being required to close their doors. Those numbers are telling. They are purely under a federal Labor government and a Labor government here at the local level. There is no influence from the coalition—the Liberals, the Nationals or the Canberra Liberals—in any of that reporting period; it is purely evidence of what a Labor government will do to the business sector.

In the very brief time that I have left, I will just touch on a couple of points that Mr Rattenbury raised. He spoke about the rollout of reduced speed limits through group centres in our suburbs. I think there is support for that through a large portion of the Canberra community. Many people realise that high traffic areas need to have speed limits that are suited to the area. But simply reducing the speed limit in a group centre area environment—the same as we have had in our town centres and here in the city centre—is not going to necessarily solve the problems. I will draw the example that has been raised in this place a number of times: Gartside Street down in Erindale. Simply reducing a speed limit down there is not going to ease the congestion; it is not going to create the additional parking spaces or the additional road movements and road improvements that are needed to allow that area to function properly.

So at one point we have areas of the economy that are struggling to garner the investment, garner the innovation and have businesses set up in them, but on the other hand we have got areas such as Erindale, which is thriving and bursting at the seams, where there is a reluctance to invest further government funds into that area to address those problems, to ensure that they can continue to be a success story.

Mr Rattenbury also mentioned Bunda Street. The finished product in Bunda Street, many of us will probably agree, is going to be a nice precinct. But the detriment that that has had on businesses in their peak trading period of the year and the lack of consultation that many of them—the minister is shaking his head.

**MR RATTENBURY:** Yes, I am shaking my head. You're full of it.

**MR WALL:** I have been and doorknocked every business along that Bunda Street precinct, and for many of them the first that they were aware—

*Discussion concluded.*

## Adjournment

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

That the Assembly do now adjourn.

## Health—Aspen Medical

**MR SMYTH** (Brindabella) (4.45): I want to bring to the attention of members today the work of Dr Andrew Walker and Mr Glenn Keys, who in 2003 founded Aspen Medical. I had the privilege the other day of being at the announcement of the Australian of the year ACT representative, who, of course, was Mr Glenn Keys.

For those who do not know, Aspen Medical started here in the ACT in 2003 and now employ over 2,200 people worldwide. They have staff in Australia, Australasia and the Pacific, in America, the United Kingdom and the Middle East, as well as Africa. They will be the firm that spearheads Australia's efforts in assisting stopping the spread of the ebola outbreak.

Aspen Medical are recognised experts in providing healthcare solutions in remote, challenging and under-resourced environments. They have particular experience in humanitarian, disaster or hot-zone projects. They have been to Papua New Guinea for a cholera outbreak. They were in Timor-Leste. They have been to the Solomon Islands, where for a decade they have been supporting Project RAMSI. They are already in Liberia—which of course was the epicentre of the ebola outbreak, months before it came to international prominence—where they are operating a primary healthcare clinic which assists in alleviating the pressure on the public system due to the outbreak.

This is a company, Madam Assistant Speaker, that gets things done. It is also the sort of company you want with the credentials required to be going to West Africa to help stop the spread of ebola. It is certainly a company that those people in West Africa can rely on, and it is certainly a company that Australia can rely on.

It is that company that you can rely on because they created a ground-breaking approach to dealing with solutions. Their first contract was to reduce the orthopaedic waiting list in the UK. They were so successful that it then led to contracts here in Australia, particularly with the Australian Defence Force, whether it be in Project RAMSI, across Australia at defence bases or, indeed, in the Middle East, where their approach has undoubtedly saved lives.

I am confident that they will take this approach with them—that same sort of leading-edge mentality—as well as the care that I think is throughout everything that they do, and the Australian preparedness for adversity regarding what our health professionals will face in West Africa. I think they will set a global benchmark.

Aspen, I am sure, are working around the clock with the Australian government. They are working with the UK government and a number of NGOs, such as Save the Children, MSF and others, to ensure rapid deployment. I think that is why it is so obvious that Glenn Keys was such a great choice for Canberran of the Year.

It goes beyond just how they do it; it is about why they do it. When you look at their attitude towards the community that they live in and the sorts of things that they prioritise, for instance, they have a workplace giving program. They have already set up the Aspen Foundation and it has deductible gift recipient status. So if you want to help them, it was formed in 2009 and every year a percentage of the company's profits go to the foundation. The Aspen Foundation's mission is to undertake life-changing healthcare through significantly reducing or eradicating key illnesses in the Australian community.

They work with people with disabilities. They have their own reconciliation action plan. That is the sort of company with the sort of attitude that this country needs. They have been rewarded; they have won many awards. For a company that was started in 2003, by 2006 they were the entrepreneur of the year—Glenn Keys and Andrew Walker. In 2007 they were the *BRW* fastest-growing SME under \$100 million. They have won many ACT Chief Minister's exports awards, whether it be a service category winner or the overall winner. They were the PricewaterhouseCoopers *Anthill* magazine "cool company" award recipient in 2008. In 2008 they were the iAwards regional winner for e-health division. In 2009 they were the *BRW* most successful private company in Australia with a turnover under \$100 million. And the list goes on and on.

I would particularly like to mention that just recently in 2014 they won the EY entrepreneur of the year global hall of fame, an honour that has not gone to too many Australian companies.

With that, we wish them well in the work they will do in West Africa. We particularly wish Glenn Keys well on Australia Day next year when, in representing the ACT, he potentially will become the Australian of the Year. Should he do so, he would be a very worthy recipient. (*Time expired.*)

**Mr Wall:** On a point of order, Madam Assistant Speaker, at the conclusion of the MPI debate, Mr Rattenbury interjected, I think the words were, "You're full of it." I seek your guidance as to whether that language is considered parliamentary and whether Mr Rattenbury should in fact withdraw.

**MADAM ASSISTANT SPEAKER** (Ms Lawder): Thank you, Mr Wall. I did not hear it but I will take some advice.

### **Craft ACT—DESIGN Canberra festival**

**DR BOURKE** (Ginninderra) (4.50): Tonight I pay tribute to all involved in the event—

*Members interjecting—*

**MADAM ASSISTANT SPEAKER:** Order, members! Listen to Dr Bourke, please.

**DR BOURKE:** Tonight I pay tribute to all involved in the event and exhibition at Crace, *Walk the line—design, art, life*. It was part of Craft ACT's DESIGN Canberra

festival, a four-day celebration promoting the diversity of Canberra's design community, from 20 to 23 November. I had the honour of launching the event at the Crace pub, the District, featuring the Crace field study, an exhibition by the ANU environment studio's artists inspired by the new suburb and the natural and urban environment.

Traditional custodian Wally Bell gave the welcome to country and spoke of Aboriginal sites around Crace. We were joined by Professor Helen Berry, a lead researcher in the University of Canberra's population study of the Crace community's health and happiness. John Reid of the environment studio in the ANU School of Art coordinated the artists who took part in the field study. John led Crace residents, planners, developers, builders, businesspeople, researchers and artists on an evening walk around the exhibition venues in buildings around the community core of Crace.

The suburb of Crace is a fine example of urban planning excellence in tune with the environment, continuing in the tradition of the Griffins. The landscape was the inspiration for Walter and Marion Griffin in their urban design for Canberra—an artistic response to our hills and valleys which we continue to celebrate and revere.

As I have noted before, geography is very important to Australians. Our national anthem's first stanza is mostly about geography. The national capital was located here early in the 20th century because of our stunning geography. The choice of Canberra pays homage to Indigenous and non-Indigenous concepts. It has been a meeting place for thousands of years. The role of the land in shaping people is central to Aboriginal thought.

The government of the day sited Canberra here in the cool climate as it was thought to be helpful to intellectual pursuits and policy development in this new capital for the new nation in an ancient land. In 1900 they also thought it was handy for the capital to be inland, out of range of naval bombardment. In a twist, one of the Crace family sons who grew up here became a distinguished admiral in World War II and is commemorated in the Crace Hilltops community park.

In the Crace field study we see the interplay of underlying landscape and the new urban landscape inspiring artists. Art and culture enriches our soul and is at the heart of any community. The artists' interpretations of the Crace space and place are even more exciting given their vivid imagination and the different media they work in. It contrasts to and complements the Crace study of the community's health and happiness. Each study reflects on the human spirit and how it is expressed in Crace.

I would love to see the results of the same studies done in decades to come and see how the artistic response and the survey responses have changed over time. Landscape, our wide brown land, has power and will inevitably pull all Australians towards our spirit and our land being intertwined—the views that have prevailed here for the last 40,000 years.

**MADAM ASSISTANT SPEAKER** (Ms Lawder): Before I call the next member, I want to address Mr Wall's point of order, although he does not appear to be here any longer. They certainly were not offensive words. However, there may have been some

imputation of improper motives or personal reflection. I do not believe it was actually unparliamentary language. But can I remind members that at all times we should treat each other with dignity and respect.

### **Environment—climate change**

**MR RATTENBURY** (Molonglo) (4.55): Yesterday the Obama administration's climate change envoy Todd Stern said this about solving the problem of global climate change:

It is going to have to be a solution that leaves a lot of fossil fuel assets in the ground ... We are not going to get rid of fossil fuel overnight but we are not going to solve climate change on the basis of all the fossil fuels that are in the ground are going to have to come out. That's pretty obvious.

Wise words indeed.

Last Thursday I had the privilege of visiting the Leard forest and the people who are speaking out against the development of the Maules Creek mine, which is being developed by Whitehaven Coal. Campaigners there are working hard to realise the beginning of that vision outlined by Todd Stern, a world where we leave fossil fuels in the ground because we know that taking them out is on the pathway of making the problem worse.

It is a very committed and passionate bunch of people who, for many months now, have been standing their ground for the Leard forest, in defence of the climate and in defence of that amazing area around Maules Creek. Maules Creek coalmine is the largest coalmine currently under construction in Australia. The Maules Creek coalmine, together with Boggabri Coal and Tarrawonga, will destroy over 5,000 hectares of forest. The Leard forest is home to 3,421 hectares of nationally listed and critically endangered box gum woodland. It is also home to over 390 species of birds and animals, more than 30 of which are endangered. The Maules Creek coal mine will also destroy sacred cultural sites in the forest, sites of significant heritage for Aboriginal history here in Australia.

If this mine goes ahead, more than half the forest will be destroyed and the remainder will suffer from a major drop in the watertable and pollution from coal dust. In addition, I spoke with farmers in the area who are significantly concerned by that drop in the watertable and the implications of that for what are valuable agricultural lands. This is an issue facing a range of areas across agricultural Australia where these sorts of developments are actively interfering with food production and important agricultural areas of this country.

When you put all of that together, this is a project that, by all assessments, simply should not be going ahead. None of those environmental outcomes or social outcomes justifies the construction of a coalmine at a time when we need to be moving beyond fossil fuels, and leaving those fossil fuels in the ground that we can, in order to protect our climate as well as protect us from the immediate environmental impacts of a mine like Maules Creek.

Yet here in the ACT this is a project that our government effectively supports through its investment holdings in Whitehaven Coal. In fact, the ACT government currently has holdings in 70 of the top 200 fossil fuel companies, with well over \$100 million invested in fossil fuels. I do not for one minute believe that the ACT government would allow a development like this to go ahead here in the ACT. It would be inconsistent with our protection laws around the precious box gum woodlands as well as totally inconsistent with our goals around global climate change and what we need to do to prevent dangerous climate change from occurring. It is becoming increasingly obvious that to have our investments resting with 70 fossil fuel companies is also inconsistent with our policies, our beliefs and, importantly, our values around global climate change. The Maules Creek development highlights how incongruous it is; our investment in Whitehaven is totally at odds with our values and beliefs, and it simply should stop.

I have written to the ACT Treasurer, calling on the government to place a freeze on new investments in fossil fuel companies and develop a plan to responsibly divest from fossil fuel companies over the next three years. While I welcome the Treasurer's response, which indicated that the ACT is starting to apply an assessment of investment risk based on environmental indicators, our investment in Whitehaven Coal and other fossil fuel companies continues. We need to change that. We should freeze any new investments in coal, oil and gas. We should fully divest over the next three years from fossil fuel investments. We should be clear about what we are doing and why we are doing it, because not only is it morally untenable to continue to invest in fossil fuels, it is also inevitable that it will also be a bad investment in a world where fossil fuels need to stay in the ground.

### **Remembrance Day**

**MR DOSZPOT** (Molonglo) (4.59): Lest we forget. On Remembrance Day, 11 November 2014, I had the honour of being one of the invited guests at the Rosary Primary School in Watson for their commemoration service. Many parents were in attendance, while other invited guests included parents who were members of the Australian armed forces; parish priest Father Kieran; and Keyden Bruce.

Remembrance Day, originally called Armistice Day, commemorates the end of the hostilities of the Great War, World War I, and the signing of the armistice which occurred on 11 November 1918, at the 11th hour of the 11th day of the 11th month.

The Rosary Remembrance Day 2014 ceremony was a solemn and respectful ceremony and was held at the Rosary school Lone Pine tree to remember all Australian servicemen and women who have died in various wars as well as those who have served or are currently serving in our army, navy or air force. Red poppies were amongst the first plants that came from the battlefields of northern France and Belgium during World War I, and the school distributed these symbolic poppies to all the attendees. They were proudly worn by all—visitors, students and teachers.

Welcome to country was delivered by Australian Catholic University student Samantha Jarvie, and the national flag was lowered to half mast by year 5 students while the school principal, Mrs Maureen Doszpot, read the prayer of remembrance, which I quote:

Today we remember with thanksgiving those who sacrificed their life for us in times of war. We pray that the offering of their lives may not have been in vain. Today we dedicate ourselves to freedom, peace and justice for all and for the wisdom and strength to build a better world.

The ceremony was moving and served as a time for reflection and gratitude. It provided all of us in attendance with an opportunity to pay respect to and honour those who serve our country.

The children all played their part superbly. The majority were respectful spectators; some played a special part in providing their musical talents or being part of the wreath-laying teams representing their classes. Members of the armed forces, parents of children and teachers at the school also played their part and reinforced the solemnity and direct relevance of the service.

The Remembrance Day ceremony was written and produced by teachers who formed the organising committee led by Alison Marks. The organising committee were Alison Marks, Sandy Vincent, John O'Brien, Kath Watson, Amanda Jiang, Elisa Pavlic and Jo Chilver.

I have to say that I have been to many Remembrance Day ceremonies over the years. Without exception, they have been special and unique in their own way. My congratulations to all concerned—all the teachers, the admin staff, the students, the organising committee, the parents and the wider school community, who all combined to make it such a memorable event. The Rosary Remembrance Day 2014 ceremony will stay long in my memory as a very special, inclusive, respectful and moving ceremony.

They shall grow not old, as we that are left grow old;  
Age shall not weary them, nor the years condemn.  
At the going down of the sun and in the morning  
We will remember them.

Lest we forget.

## **Visitor**

**MR ASSISTANT SPEAKER** (Dr Bourke): Before I call the next speaker, I acknowledge in the gallery former Deputy Chief Minister Mr David Lamont.

## **Adjournment** **Women—White Ribbon Day**

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.03): I am sure most MLAs will know today is White Ribbon Day. White Ribbon Australia observes the

International Day for the Elimination of Violence against Women and marks the start of 16 days of action to stop violence against women. Uniquely, White Ribbon is Australia's only national male-led campaign to end men's violence against women. I congratulate you, Mr Assistant Speaker, on attending this morning at Parliament House for the RAAF C-130 flyover and words from our distinguished leaders.

We were asked today to think about how it is to live each day with someone who will hurt you—how it is to live each day in fear and to be forever walking on eggshells. This is the reality for women affected by domestic violence. Research shows that nearly two-thirds of Australian women report experiencing at least one incident of physical or sexual violence by a man over their lifetime. Preventing violence against women is an issue for everyone and, in particular, for us as men.

It is a men's issue because it is men that predominantly use violence against women. It is a men's issue because it is our wives, mothers, sisters, daughters and friends whose lives are being harmed by violence and abuse. It is a men's issue because, as community leaders and decision-makers, men can play a pivotal role in helping to stop men's violence against women. It is a men's issue because men are in a unique position to speak out and step in when male friends and relatives insult, abuse or attack women. And it is a men's issue because a minority of men treat women and girls with contempt and violence. It is up to the majority of men to create a culture in which this behaviour is unacceptable.

We must all work together to end the culture of violence that affects every member of the Canberra community. But it is fundamentally up to each of us to hold ourselves accountable for our own words and actions, to never commit, excuse or remain silent about violence against women.

To paraphrase Lieutenant General Morrison, Chief of Army, whether it be our mates, work colleagues or just those people in the street, we have a simple choice: to be a protector or a perpetrator. We cannot be bystanders while others perpetrate fear and violence. There are no bystanders. What you choose to ignore and walk past becomes the standard you accept.

As a White Ribbon ambassador I take this opportunity to challenge all men not to be bystanders but to stand up and model behaviour that builds respect between men and women and helps reduce attitudes that underpin any acceptance of violence.

### **Women—prostitution and human trafficking**

**MRS DUNNE** (Ginninderra) (5.06): I welcome the comments made by Mr Gentleman in relation to White Ribbon Day and violence against women because it is a good segue, in that I propose to use this adjournment debate, and perhaps tomorrow's as well, to give a report or a statement in relation to the travel that Mrs Jones and I did in Europe this year to look at issues relating to prostitution, exit from prostitution and the related issues of human trafficking.

As members will know, back in 2011 I chaired an inquiry into the operation of the ACT's Prostitution Act and many submitters at the time encouraged the inquiry to

visit Sweden. I considered a study of Swedish laws and the consideration of their applicability to Australia and the ACT in the areas of both prostitution and trafficking as unfinished business.

Earlier this year or late last year when I started to think about this tour I became aware that, in addition to the Swedish and what is now known as the Nordic laws, the French National Assembly had passed similar laws in December. Along with events in England, especially the publication of the report of the All-Party Parliamentary Group on Prostitution and the Global Sex Trade, they provided opportunities for us to learn from the experiences of other legislators and policymakers about developments in those countries.

As news of our study travel spread, we were joined by other members. Eventually five members of state parliaments and various members of NGOs travelled together and separately to four different countries, looking at innovations in the way that the law and society deal with prostituted and trafficked persons. I visited Paris, Stockholm and London, and I want to use this time to reflect on those visits.

In the week beginning 14 April the group of legislators met with senior bureaucrats, legislators and NGOs in Paris. The people we met included Maud Olivier, a socialist member of the National Assembly who was the leader of a group who navigated the legislation that adopted the Swedish laws through the National Assembly. We also met senior bureaucrats from the social cohesion directorate of the ministry of women and the inter-ministerial task force for protecting women victims of violence and the fight against human trafficking—thankfully called MIPROF—which coordinates the collection, analysis and retrieval of useful data on violence against women and has been charged with forming partnerships with NGOs and local authorities to develop local initiatives to meet the needs of victims of violence against women. It will be responsible for defining and coordinating the implementation of plans of action against trafficking in human beings and the implementation of France's new prostitution laws when they pass the Senate, which is expected to happen quite soon.

We also met a number of NGO organisations, including the Mouvement du Nid, one of many abolitionist NGOs in France. It trains over 3,000 social workers per year dealing with prostitution issues as well as training lawyers, judges, police, teachers and nurses working in inner city schools.

We also met representatives of Scelles Foundation, which is a clearing house for abolitionist literature and which looks at the state of prostitution across the world, and representatives of Medecins du Monde, a broad-based group of doctors and volunteers who work in 15 countries. While Medecins du Monde welcomed the social programs associated with the new laws, they were particularly and highly critical of the proposed criminalisation of the buyers of sex and people living off the proceeds of prostitution.

France is a country which considers itself abolitionist. It draws its motivation for this from its 1960 ratification of the UN Convention for the Suppression of the Traffic in Persons, which says in its preamble:

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community

...

This is the underlying motivation for the introduction of these laws. Apart from the issues of gender equity, the motivation for the new law comes from the concern about the estimated 20,000 to 40,000 prostituted people in France and the increasing number of apparently trafficked women. It is estimated that 90 per cent of people who are prostitutes in France are foreigners, mostly from Eastern Europe, the Balkan states, the former USSR, Anglophone African countries such as Nigeria, and more recently China.

Human trafficking is recognised as a form of violence inflicted against women and is considered a growing problem in France. I think it is appropriate that we dwell on the legislative changes that we have seen in other places as we deal with White Ribbon Day.

### **ABC—budget cuts**

**MS BERRY** (Ginninderra) (5.11): I rise this afternoon to speak about the devastating budget cuts announced by the federal government to our ABC and just what this means for Canberra and our region. As ABC workers arrived at work yesterday over 400 people across Australia were told that they will lose their jobs—about 10 per cent of the ABC workforce.

At the Northbourne Avenue studios, several 666 radio staff lost their jobs, including the ACT director, Elizabeth McGrath. The Friday edition of the ACT's 7.30 is being replaced with a national program and Chris Kimball will be moved to a new role. These individuals are well respected for their dedication to local news and speak for many across our region.

Earlier this afternoon I spoke with Gordon and Lisa in the Assembly's ABC office to show my support for them and their colleagues in the face of these cuts. Thankfully, they will continue their work here for now, reporting on the work of the Assembly and holding us all to account.

Many Canberrans and people from across our region rely on the ABC every day for their local and national news. This is especially so in the face of events like the 2003 bushfires. The federal government's budget cuts are a massive blow to locally focused news. But, when I think of these cuts, I feel sad for all of those who have lost their jobs. With the media environment already so volatile, it is a particularly difficult time for local journos and ABC staff to lose their jobs, especially so close to Christmas.

I also want to reflect on what the cuts will mean to local arts and sports programming. These budget cuts will mean that the ABC will no longer broadcast women's sports events like the W-League football and the Women's National Basketball League. For 35 years the ABC was the only station committed to broadcasting these sports, often

because commercial networks would not support them because it was not financially viable. We need to do more for women's sport, not less. Without a free-to-air TV presence for these sports, they risk losing key sponsors that keep these clubs afloat as well as supporting gifted and talented players. It will also mean that fewer young girls and women can see their sporting stars and be inspired to participate and compete.

Reading the *Canberra Times* this morning, I was drawn to Canberra Capitals centre Lauren Jackson's comments on what these budget cuts will mean. She said that yesterday was a very dark day for women's sport and expressed fears that the removal of women's sport from the ABC's schedule would mean a sponsorship and player exodus.

I love my sport and I know that my anger at the federal government's cuts to the ABC and their impact upon the broadcasting of women's sport is shared by many Canberrans. Unfortunately, I could not make it to the protest outside Parliament House this morning, the second in as many weeks, but I am told that it was well attended. I hope that Prime Minister Abbott and his federal government colleagues listen to the community and take into account the devastating consequences of their budget cuts to our local news, to the broadcasting of women's sport and to the families that are losing their jobs.

We must support our national broadcaster and acknowledge the fantastic people at the ABC, the important job they are doing in our community and their dedication to our city over many years. The ABC is such a significant part of Canberra that we must not forget how important it is to have a genuine local and independent media voice in our territory.

Finally, I would like to thank George Blatman, a very passionate supporter of the ABC, for writing my speech for me today.

Question resolved in the affirmative.

**The Assembly adjourned at 5.15 pm.**

**Schedule of amendments**  
**Schedule 1**

**Gaming Machine (Red Tape Reduction) Amendment Bill 2014**

Amendment moved by the Minister for Racing and Gaming

**1**

**Clause 19**

**Proposed new section 163AA (2)**

**Page 7, line 11—**

*omit*

\$100

*substitute*

\$300

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