



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**22 FEBRUARY 2018**

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**Thursday, 22 February 2018**

**MADAM SPEAKER** (Ms Burch) took the chair at 10 am 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 e-petition and petition were lodged for presentation:*

### **Downer community centre—petition 1-18**

*By Ms Le Couteur, from 146 residents:*

#### **To the Speaker and Members of the Legislative Assembly**

The following residents of the ACT draw to the attention of the Assembly the proposed increased charges to the current lease arrangements for the Downer Community Centre (DCC) by ACT Property Group will threaten the existence of the DCC and its current users.

Your petitioners, therefore, request the Assembly to:

- (1) Restore the existing lease, including current rates and conditions, acknowledging the central place the DCC has in the suburb of Downer.
- (2) Ensure the lease is signed before the existing lease lapses, to provide certainty to current and future community users.
- (3) Acknowledge and account for the excellent economic management and care taking role that the DCC has performed over the previous leases, including the running and basic maintenance of the facility.
- (4) Return to the Downer community some of the money that the Government received from the sale of the primary school and community zoned land to Community Housing Canberra.

### **Downer community centre—petition 5-18**

*By Ms Le Couteur, from 503 residents:*

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

This petition of certain residents of the ACT draws to the attention of the Assembly that the proposed increased charges to the current lease arrangements for the Downer Community Centre by ACT Property Group will threaten the existence of the DCC and its current users.

Your petitioners therefore request the Assembly to: take the following steps to restore certainty and confidence in the management of local and much used Downer Community Centre (DCC).

To restore the existing lease, including current rates and conditions, acknowledging the central place the DCC has in the suburb of Downer.

1. Ensure the lease is signed before the existing lease lapses, to provide certainty to current and future community users.
2. Acknowledge and account for the excellent economic management and caretaking role that the DCC has performed over the previous leases, including the running and basic maintenance of the facility.
3. Return to the Downer Community some of the money that the Government received from the sale of the Primary School and Community Zoned land to Community Housing Canberra.

*Pursuant to standing order 99A, petition 5-18, having more than 500 signatories, was referred to the Standing Committee on Economic Development and Tourism.*

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

**MS LE COUTEUR** (Murrumbidgee) (10.02), by leave: I rise today as an ex-resident of Downer, and an ex-member of the Downer Community Association, which is the reason that I have pursued this issue so much. The Downer Community Association and other such groups that run the local halls in Canberra play a vital part in our community life.

It is really important that we have spaces where community groups and individuals who are holding bigger events can meet in their local communities. They do not have to be held in big, fancy hotels. They also have a function in life, but we need spaces in our communities where groups like the Majura Women's Group, the playgroups, SEE-Change, and machine knitters can meet. They are all small groups, generally without any sort of government funding. The only government assistance they get is indirectly, via groups like Downer enabling them to have easy access to affordable, convenient facilities to meet in. This is an important and essential part of our community life.

The ACT government, in its wisdom, decided that ACT Property would do a review of the lease arrangements, with the aim of making them all more consistent and commercial. I can understand, from ACT Property's point of view, that they would be looking at the number of square metres and what they should get for it. It made a degree of sense. From the point of view of the community groups that use and run the spaces, and particularly in the instance of Downer, they do an awful lot of the minor maintenance. When I was with the association, one of our members was incredible. He spent about half a day a week doing minor maintenance on the hall. It is a heritage-listed hall. I suspect that it would cost the ACT government more if they were to take it over and run it themselves than to let the community do an excellent job of managing bookings and looking after minor maintenance.

I think there are about 16 or 17 other groups as well as Downer that are in a similar situation where they are paying peppercorn rent and passing on the advantages of the

peppercorn rent to a variety of other groups who made use of the space. One that comes to mind is Oaks Estate. I understand that Oaks Estate has not been able to finalise any agreement with the ACT government around how their heritage-listed building should be looked after.

I should have mentioned at the beginning that since this petition has been lodged, the ACT government has seen the logic behind the petition and has emailed the Downer Community Association to say that the lease will be re-granted at a peppercorn rent, and I am very pleased about that.

Another bit of unfinished business was mentioned in the petition. The ACT government, many years ago, promised considerable renovations for Downer Square, the bicentennial square, and I would very much like to see that promise eventuate. There are now new shops in Downer, and the people of Downer would love to see the square renovated, to go with the other renovations.

## **Administration and Procedure—Standing Committee Report 6**

**MADAM SPEAKER:** I present the following report:

Administration and Procedure—Standing Committee—Report 6—*Models for Estimates Inquiries*, dated 22 February 2018, together with a copy of the extracts of the relevant minutes of proceedings.

**MR RATTENBURY** (Kurrajong) (10.06): I move:

That the report be noted.

As members are aware, this matter arose because of a consideration of whether we might look at the budget differently. The discussion involves two possible models. One is the current model of an estimates committee, which has been the practice since self-government in 1989, where we have a select committee that looks exclusively at it. The alternative option is one used in some other parliaments, whereby the budget would be broken up and the existing standing committees would look at their areas of expertise.

The committee has had some discussion about this. The report has obviously been a quick one. The committee has recommended that the decision on whether to establish a standing committee on estimates be made at the March sittings—in the next sitting period—and that the matter be further considered by the Assembly and, potentially, by the admin and procedure committee in the future.

The report includes two papers: one showing the practice in legislatures across Australia and New Zealand; and another which is an options paper prepared in 2010 listing six options to consider the estimates in the appropriation process.

That is the work that the committee has done to this point. I commend the documents to the Assembly for further consideration.

Question resolved in the affirmative.

## **ACT Health—system-wide data review quarterly update Ministerial statement**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.08): It is great today to have the opportunity to update the Assembly as we draw to the end of the system-wide review of ACT Health data.

As members are aware, significant work has occurred within the Health Directorate over the past 12 months since the review commenced last year. When I announced this comprehensive review, I committed to providing quarterly updates to the Assembly as this work progressed and today I am very pleased to deliver my fourth update in this place.

Overall, I am very pleased to say that the system-wide review has been instrumental in resetting and enabling effective data management practices across the ACT Health Directorate. I am confident that the directorate now has a definitive performance reporting and data management strategy which, if we continue to support it, will transition ACT Health to a best practice data and reporting health organisation.

The system-wide review has enabled the directorate to constructively learn, build capability and expertise, and address root cause and systemic issues. We now look forward to building on the momentum that has been created from the review to move towards a hospital and healthcare system that is accountable, transparent and responsive, which overall will better inform and deliver the community's healthcare needs.

The system-wide review is just the start of the journey. The directorate recognises that there is still much to do to be an exemplar jurisdiction. I am very pleased that we can now say we are on a course that will support innovation in data reporting to meet local community, territory-wide and national requirements.

I would like to take this opportunity to share some of the notable key outcomes of the system-wide review that have occurred since my last update. These are, first, meeting external reporting obligations such as the recently released *2018 Report on government services* and the 2016-17 ACT Health annual report. Second, ensuring security and access policies are in place, so that personal information is kept confidential and is stored and released with the appropriate privacy safeguards. Third, embedding strong governance models to ensure decisions regarding our data are made by those with appropriate skill and delegation. Fourth, building enduring relationships with external data reporting agencies, such as the Australian Institute of Health and Welfare. Fifth, embedding a directorate-wide front-door "reporting coordination unit", so that both internal and external stakeholders have a centralised point of contact for data and reporting matters.

Sixth, engaging independent experts to review the system-wide review activities to ensure that they are comprehensive and that all systemic issues are addressed. Seventh, embedding a number of key quality assurance processes to ensure that the data is

accurate and correct at the time of release. Eighth, developing an annual audit program across our data collection and reporting systems to ensure that each year a sample of patient journeys will be followed from the initial collection point to when the record is reported in a dataset. This process demonstrates confidence and transparency across the data and reporting systems.

Ninth, reaching an agreement with the AIHW to accredit ACT Health to use their metadata registry “MeTEOR” as a data repository for all definitions and standards. While this work has only just commenced, this is a major improvement and will ensure our existing and new standards and definitions are robust and consistent with national requirements.

Tenth, investing in our staff, and embedding a culture of respect and innovation to ensure that we attract and retain a skilled workforce. Eleventh, developing end-to-end documentation for all national data collections, from collection point right through to reporting, demonstrating transparency of data management processes and mitigating gaps in collection.

Twelfth, identification of over 130 performance indicators that are currently published. The system-wide review is assessing and restructuring this consumer information so that it is informative, can easily be found and navigated through ACT Health websites and other media platforms. This will encompass the quarterly reporting arrangements and recommendations on format, structure and metric frequency for system performance reporting to consumers. Thirteenth, rolling out a new data repository, an “enterprise data warehouse”, that is innovative and a first for the ACT government that has the potential to be expanded and adapt to changing community health needs.

As I noted earlier, these key outcomes of the review are just the beginning, with momentum building from the work that has been achieved over the past 12 months. Enabled and informed by the review, I am pleased to note that planning and work have commenced for the following projects to be rolled out in the coming months. These include: mental health services—implementing new performance indicators and reports across all services ranging from day-to-day operational reports to those presented in this place; elective surgery waiting lists—an analysis of the impact of activity-based funding methodologies on elective surgery management practices; University of Canberra hospital—designing new performance metrics, including the potential for automated costings; consumer information—developing options for improving public reporting and potential innovative technologies available moving forward; and real-time data available for clinicians—developing an analytics capability, including trialling new technologies and analysis tools for clinicians to inform and improve patient outcomes.

Lastly, to demonstrate that the directorate has been transparent and accountable with their work, an independent auditor continues to undertake quarterly reviews of the 175 external recommendations. As at the end of December 2017, over 44 per cent have been completed, with the other 55 per cent well underway. Only one of the 175 recommendations had not commenced, and this has now been actioned. Of course, a final assessment will occur post the system-wide review and regularly thereafter, to

ensure that ongoing monitoring and compliance of a very complex set of recommendations is adhered to.

Before concluding today, I would again like to thank very much members of the external review panel who have been fundamental in providing comprehensive advice to the system-wide review team. Without this guidance, the directorate would not be in the position that they are in today, ready to move forward beyond the review.

I would also like to acknowledge the very hard, dedicated and skilled work of staff in the ACT Health Directorate and the support that has been shown from external bodies while we have worked through this important review.

The review is due to be completed by the directorate at the end of next month. The government will then consider the final outcomes and recommendations of the review. In the coming months, I will then make further announcements on the review and the work that will be undertaken to continue to improve our data systems and processes moving forward. I present the following paper:

ACT Health System-Wide Data Review Quarterly Update—February 2018—  
Ministerial statement, 22 February 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Courts and Other Justice Legislation Amendment Bill 2018**

**Mr Ramsay**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (10.15): I move:

That this bill be agreed to in principle.

I am pleased to present the Courts and Other Justice Legislation Amendment Bill 2018 to the Legislative Assembly. The bill makes a range of amendments to 16 acts. The legislation will facilitate access to justice by introducing efficiency measures, which will mean less time and less red tape for people involved in litigation to get outcomes. The legislation will respond to issues identified in the courts to help them better administer their procedures and cases to ensure fair outcomes. It will also introduce changes to how oaths and affirmations are administered.

This bill is part of the government's regular process of review and reform of justice legislation to ensure that the ACT has an accessible, a fair and an efficient justice system.

The bill facilitates access to justice by clarifying the process for enforcement of ACT Civil and Administrative Tribunal orders in the Magistrates Court. There are a series of amendments in this bill that will achieve a better process for giving effect to ACAT orders. This follows the judgement of Justice Refshauge in the case of Kaney and Rushton last year. In that case, His Honour noted that it would be preferable to put beyond doubt that the enforcement of ACAT orders is intended to happen through the established procedures under the Magistrates Court Act 1930.

The amendments to section 71 of the ACAT Act make it clear that an ACAT order may be enforced by filing a copy of the order sealed by the tribunal, along with an affidavit in support stating that the order has not been complied with in the appropriate court, usually the Magistrates Court. This important clarification will reduce red tape for enforcing judgements in litigation. It will reduce the potential for uncertainty and for delay in the enforcement of orders, providing additional incentive to comply with them.

The bill will also amend the Utilities Act 2000 to increase from \$10,000 to \$25,000 the maximum monetary amount of compensation for energy and water complaints which are upheld by the tribunal. The new maximum amount will make sure that the tribunal is better able to redress unfair conduct or poor service by energy and water providers in the ACT.

The second set of amendments in this bill will help improve the way courts are able to manage their important work. One example in this bill is an amendment to the Evidence (Miscellaneous Provisions) Act 1991, which clarifies and simplifies the process for ACT courts to take evidence using audiovisual links or audio links, including overseas and interstate. This sensible change was recommended to government by the court. It will support the efficient conduct of trials by leveraging proven technology to allow the ACT justice system to be globally connected. When considering whether evidence can be provided from a place outside the ACT, courts will weigh up the benefit of reduced cost and delay in the conduct of the proceedings with any impact on procedural fairness to the parties, to determine whether it is in the interests of justice.

Fair treatment for juries and people who are called to serve as jurors is critically important in the justice system. This bill makes amendments to the Juries Act 1967 to better support jurors in their vital role in the justice system. Of particular note is that the bill will support the inclusion of people with a disability as jurors, better reflecting the diverse make-up of the Canberra community.

The amendments also simplify and remove red tape from the jury management process. The bill clarifies when jurors can be disqualified, and allows penalty notices to be issued for breaches of jury responsibilities. Jurors will also be allowed to make the oath or affirmation as part of a group rather than individually. These amendments

will lead to a saving in court time and make performance of this civic duty more convenient and more inclusive for jury members.

The amendments to the Supreme Court Act 1933 in this bill will help the court to better manage its caseload and recognise the expanded role of the associate judge. Currently, the jurisdiction of the associate judge is specified in the Court Procedures Rules. This bill sets out in statute that the associate judge may exercise the jurisdiction of the court that is exercisable by a single judge other than for a trial on indictment or a matter before the Court of Appeal. This will provide clear statutory authority for the associate judge to take on and resolve a wider range of matters.

The final group of amendments in this bill that I will outline relates not only to the courts but to any occasion where a person takes an oath or an affirmation. Changes to the Oaths and Affirmations Act 1984 will better reflect the ACT's diverse population and make oaths and affirmations more consistent across the statute book. The amendments mean the oath can be adapted by the person taking the oath. For example, the amendments will allow a person to promise rather than swear the oath, and to name a god recognised by the person's religion rather than "Almighty God". Instead of saying, "So help me, God," a person will be able to use a similar expression recognised by that person's religion. The intention is to be more inclusive and respectful of cultural and religious beliefs while still preserving the solemnity and the legal effect of the oath or affirmation.

Today I have given examples of the ways that this bill will improve the administration of justice in the territory and support our courts and our tribunals. As members can see in the explanatory statement, the bill contains an extensive list of improvements. Each is the product of careful consultation with the courts, tribunal, and legal professionals. The Courts and Other Justice Legislation Amendment Bill 2018 is an important piece of legislation that represents the government's commitment to maintaining a timely, accessible and transparent justice system the ACT. I commend the bill to the Assembly.

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

## **Justice and Community Safety—Standing Committee Reference**

**MR COE** (Yerrabi—Leader of the Opposition) (10.23): I move:

That:

- (1) this Assembly refers to the Standing Committee on Justice and Community Safety for inquiry and report by the last sitting day in April 2018, the process for conducting the Citizens' Jury on Compulsory Third Party (CTP) insurance, including:
  - (a) how the subject was determined;
  - (b) procurement of the facilitators;
  - (c) selection of jurors;

- (d) information provided; and
  - (e) any other relevant matter; and
- (2) the inquiry should hold public hearings and explore the effectiveness of citizens' juries, what lessons can be learned from conducting the CTP jury and whether the process adhered to best practice.

The citizens jury on compulsory third-party insurance is really the first time this type of deliberative democracy has been trialled here in the territory. This means it is very important that the ACT government get it right, especially when the ACT government has pretty much signed up to the verdict of the jury regardless of what that verdict is and with real doubt and ambiguity in this Assembly about what process has been undertaken to get to that point.

Of course, the Canberra Liberals support effective community engagement and consultation and believe that it is important to determine whether this citizens jury process has delivered on its purported benefits or whether it can be improved. The use of deliberative democracy strategies is an element of the Labor-Greens parliamentary agreement. However, the citizens jury should not be pursued or used as a political tool. Canberrans deserve sincere and objective engagement and a model that adheres to best practice.

The opposition does not have confidence that the jury process has been conducted fairly. That is not to say that we believe that it has been done unfairly but we simply do not have the confidence one way or the other. There is too much doubt about this process. We in the opposition would be negligent in our scrutiny of policy and scrutiny of government if we did not ask these questions.

I am amazed that we have a government that has outsourced this policy area to the jury without even running it by the Assembly first. The government does not seem to want to have any scrutiny of this process. When you have a government that does not want scrutiny of their policy process, that is cause for alarm. It is prudent that a thorough inquiry be conducted and that there be a report on the processes surrounding the jury's development and performance, especially if the ACT government is going to sign up to it regardless of the outcomes.

The purpose of my motion today is to determine whether the processes adhere to best practice. It is not an extension of the debate on whether the current CTP scheme needs to be reformed. This is not about the policy area. It is about the process the government has undertaken, a process that has largely been secretive. Whilst the jurors have seen the entire process, the vast majority of Canberrans have not and we in the Assembly have not been privy to the processes for things such as the procurement, the information that has been shared, how the jurors were selected, what discussions went into when the jury would meet, the format for those presentations and, of course, how the actual deliberations will occur.

I understand that the Greens have concerns with the motion today. We were advised earlier today that the Greens' concerns relate to having scrutiny of this process before the jury had delivered its verdict. To that end, I am more than happy to move an

amendment which pushes back the reporting date to later in the year, perhaps to June of 2018, and also to state that the public hearings and calls for submissions should not occur prior to the verdict of the jury being delivered. In effect, there is an option to pass this motion today but the inquiry would not really begin in earnest until after the verdict has been delivered by the jury.

I have had offline conversations just a few minutes ago with Ms Le Couteur. I understand it is her preference not to support that. Rather than go to the effort of seeking leave to amend my own motion, I would appreciate it if Mr Rattenbury or Ms Le Couteur would confirm that it is not their intention to support that possible amendment.

I think it is a reasonable amendment. I think the questions in the original motion such as how is the subject determined, how do they procure facilitators, how do they select the jurors, what information was provided and any other relevant matter are things this Assembly should be across before we get a bill presented in this place that signs up to that process. It would be negligent of this Assembly to entertain a bill based on a process that we are not across.

We could read the website. We could do that, but that is hardly scrutinising as a parliament should. Does anybody know how the procurement was conducted for the facilitators? Does anybody know why it is they went with the times they chose for when the presentations would take place? Does anybody know how presenters were chosen and which ones were not chosen? Do we know about the ins and outs of how the jurors were selected? Do we know which jurors perhaps were ruled out, which ones were ruled in? Do we know that it is actually a fair sample of Canberrans? Do we know why it is the government had some criteria which would exclude some jurors but other criteria that did not seem to be an issue?

These are all live questions. It may well be that there are perfectly reasonable answers to all these questions, but that is what the inquiry would seek to determine. Given that the government has already said they are going to sign up to the verdict, I think it is very important that we get it right.

Regardless of which side of the debate you stand on, regardless of whether or not you think the current CTP scheme works, it is quite possible that the verdict that is delivered is contrary to what you think. The government obviously wants to reform CTP in Canberra. If the verdict comes down as being against reform, I think the government is going to wish that this inquiry had gone ahead. They are going to wish that perhaps there was a problem with the jury process. But we will never know, because we are putting all our eggs in this basket without any real clarity about the process.

Let me stress this: this is not about the core issue of CTP. It is about making sure we get this process right. If deliberative democracy is going to become a function of government, Canberrans need to be able to trust that it is conducted in a fair and impartial manner. I would have thought that if it had been conducted in a fair and impartial manner, the government would want to be spruiking this. They would want

to be airing this in a committee. They would want to be telling everyone about the due diligence that they have gone through in order to establish this process.

But the fact that they do not want scrutiny of this process suggests that there is something to hide. If we cannot trust the process, then deliberative democracy will be at best expensive tokenism. I say to advocates of deliberative democracy that I think you would want to get this right, because it is going to do a real disservice to deliberative democracy in the future if we do not get it right now. If this process is tainted now, it is going to be very hard to recover in the future. Under the terms of the referral in my motion, the JACS committee would have broad powers to investigate areas of concern in the public nature of such an inquiry.

It is important to note that, upon the announcement of this inquiry, Ms Le Couteur was critical of the subject. She came out and said it is potentially very boring. Obviously, Ms Le Couteur had doubts about this inquiry as well. Yet is she willing to sign up to this regardless? Is she willing to rubber stamp whatever comes out of this jury, even though she was on the record as saying that she had doubts about that? I think it is a pretty shabby process where the government does not want to shed any light upon what is a policy formulation process.

I look forward to the response of the Greens and the Labor Party to this motion. They are going to be unwilling to appear to question what is in their Labor-Greens agreement. But in actual fact what I think this motion does is affirm the importance of deliberative democracy and give an opportunity to make sure that it is actually a lasting part of the ACT rather than perhaps a short-lived experiment that went wrong because we did not intervene or at least scrutinise it when we had the opportunity.

**MS LE COUTEUR** (Murrumbidgee) (10.36): I move:

“(1) this Assembly notes:

- (a) the ACT Government is in the process of rolling out a new approach to community engagement which includes the piloting of a range of deliberative democratic processes such as:
    - (i) the Citizens’ Jury on Compulsory Third Party insurance;
    - (ii) the Carers’ Voice Panel to design the ACT Carers Strategy;
    - (iii) a participatory budgeting initiative feeding into the 2019 Budget; and
    - (iv) the delivery of an online community panel;
  - (b) that these approaches aim to broaden the range and number of Canberrans who are able to participate in, and have input on, major decisions about our city and the direction of policy reform; and
  - (c) that each deliberative exercise provides the opportunity for new learnings which can drive future engagements of Government with Canberrans; and
- (2) calls on the Assembly to support a referral for committee inquiry into the Government’s use of deliberative democratic processes not later than the Autumn sittings of 2019.”.

I sincerely thank Mr Coe for bringing this motion forward. Deliberative democracy is something the Greens have been talking about for I do not know how long, but possibly decades; certainly a long time. The Greens are very concerned that our democratic system is not functioning or certainly not perceived to be functioning as well as it could be. We want to see ways to make it better, to make both better decisions and decisions the community as a whole feel are better decisions. I am very pleased at all the positive comments Mr Coe made about deliberative democracy in general.

I was very pleased to see the Law Society's report on this particular exercise. I was one of the people they spoke to, and their report basically said it was a very good process which should be continued. Yes, they had a number of small concerns; I remember talking to them about the advertising process. They said it had unnecessarily politicised it. While that statement had some truth in it, the problem was encouraging people to believe there was an issue, because if there were not an issue people would not sign up to devote at least three weekends to this exercise.

The subject is certainly not the first thing I would have chosen for deliberative democracy. As someone who was on the public accounts committee in the Seventh Assembly, we did an inquiry into CTP—Mr Coe was involved in that as well, from memory—and I admit that it was not the most inspiring thing I have ever been involved in. I suppose I bring that experience into my feelings about that, and that is one of the reasons I am so positive about this specific trial.

Mr Coe talked about the concept that we were not going to be able to scrutinise this bit of policy development. I would argue the opposite in this case: I think the Assembly has a much better chance to scrutinise the policy development. We have just had a bill presented by Mr Ramsay about courts and other justice. I have not read it but I assume it is entirely worthy; I do not know. But my point is that the public debate in terms of getting that organised has been very low.

I know a little bit more about the Lakes Amendment Bill because I will be speaking on it, and there has not been a citizens jury for that. There has not been a lot of public debate about this. The government has seen some issues and some public servants have developed what I am shortly going to say is an entirely reasonable solution to those problems. My point is that most of our policy development is not out there in the open. Arguably, it should be more open, and that is one of the reasons that deliberative democracy is a good idea.

To say that this one is shrouded in secrecy is simply, in my opinion, not the case. I went along to a half day on one of the weekends so I was able to see the jurors and the facilitators in action. I must say, the facilitators appeared to me to do an excellent job. All the information the jurors were given was available to the public as a whole—including, of course, the 25 members of the Legislative Assembly—to see via the your say website. If we want to be informed as to what is happening in terms of that policy development, we can be informed; it is all out there.

The jury has given their initial report. I have read that through, and it has proposed a number of principles. From that have come a number of possible options, and right now I understand that the actuaries are beaver away to try to work out how that would work. I am quite happy that the actuaries beaver away at the back end because that is well beyond my capabilities, even when I was younger and my maths was better.

I am totally in favour of the idea of getting the deliberative democracy process right. That is one of the reasons that I have concerns about Mr Coe's motion. The first obvious problem, of course, was that while the CTP deliberative citizens jury is still in play, there has been another one: the carers voice panel was formed to design the ACT's carers' strategy. Why was that not part of this motion? If this motion is actually about ensuring that we do deliberative democracy better, it logically would have been part of it. I am not sure why Mr Coe omitted it. It is possible that Mr Barr's suggestions yesterday about donations were relevant to that; I do not know. But it is a surprising omission.

I admit that this amendment was circulated only this morning, but in this amendment we have tried to look at something to help advance the cause of democracy in the ACT, particularly deliberative democracy. We are noting that the CTP panel is not a standalone thing; it is part of a process. I understand the carers strategy has been completed. The Assembly last year voted to do a deliberative democracy and participatory budgeting process feeding into the 2019 budget. That is going to be really interesting. And the government has just started doing an online community panel. All of these are trying to go in the same direction—deliberative democracy to improve our democracy.

I think we should really focus on the “deliberative” part of it, which is a bit of where Mr Coe went to in his remarks. One of the considerable issues with how we do our democracy is that people in general do not have access to enough information to make informed decisions. Partly this is because they do not allocate enough time for that, understandably, given all the other things that people have to do in their lives just to keep them going. But one of the big pluses of the deliberative democracy process is that a representative group of people will actually spend the time and get the information provided to them to make better informed decisions.

My amendment talks about four processes and notes that they aim to broaden the range and number of Canberrans to participate in and have input on major decisions about our city and the direction of policy reform. Each of these exercises is going to provide new learnings which will improve our government and improve the outcomes for all Canberrans. That is the whole idea of the exercise.

I am calling on the Assembly to support a referral for a committee inquiry no later than the autumn sittings of 2019. I note that this general issue of consultation is something the planning committee has talked about as a possible inquiry. I am not in any way trying to suggest that the planning committee is the obvious place for this. I think all sides of the chamber have talked about these issues. We had an MPI about consultation, in fact, on Tuesday.

This issue is clearly of major concern to every member of the Assembly, as it should be. From that point of view I think it is worthy of a significant committee inquiry. But I would like to see that inquiry done at a better time and be a broader inquiry rather than focusing on only one important part of a larger jigsaw.

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (10.46): I thank members for their input on this. We will not be supporting Mr Coe's motion as it stands; we will be supporting Ms Le Couteur's amendment. It sets out a positive path and gives us a better chance of scrutiny with the process outlined in the amendment.

One of the reasons I do not support Mr Coe's original motion is his claims of secrecy. They are spurious claims. There is no evidence to support them. If you look at the work the citizens jury has done, it has been very open. I respect the work they have done, and I look forward to the inquiry having a look at that work as well. It is interesting that we have received about 100 pieces of feedback in the jury. There were 725 survey responses and 328 people had their say on these priorities. All of that feedback was given to the jury and helped inform their deliberations.

It is important also to understand that 285,000 motor vehicles are registered in the ACT each year, and CTP at the moment does not cover everyone injured in a motor vehicle accident. I am really looking forward to this inquiry and the response later on.

**MR RATTENBURY** (Kurrajong) (10.47): I was intrigued by Mr Coe's line of argument about the lack of scrutiny on the preparation of this bill. He basically asked how we can consider a bill when we do not know about the process. I think that was the line of argument; if I have paraphrased incorrectly I am sure Mr Coe will point that out. The answer to that is that we do it every time a bill comes into this place. Most bills are worked up by a public service agency. They go through a cabinet process and then they appear here, and that is when the scrutiny starts most times. Sometimes there is an exposure draft and often stakeholders are involved, but largely that is how it works.

This process is far more open than any other process that normally takes place, and this is because the government is trying to do something different. This is a far more participatory process where the government has invited the community to be involved in the design of the very policy that underlies the bill. I do not think that that line of argument stacks up. I think Ms Le Couteur's amendment is particularly valuable because we are seeing a number of deliberative democracy processes being run at the same time in different forms. I think this is a far better way to actually look at it rather than pick on this one, which we know is hotly contested.

There has clearly been in some quarters an effort to undermine the legitimacy of the citizens jury. Let this inquiry not be seen as part of that process. Instead, let us have an inquiry that genuinely looks at how the deliberative democracy processes have turned out. Ms Le Couteur in her amendment has identified a number of them that are taking place. I think it would be worthwhile in six, eight, nine months time—certainly

no later than the autumn sittings in 2019, as Ms Le Couteur has identified—for an Assembly committee to sit down and say, “We’ve tried three or four different deliberative democracy processes now. What can we learn from those, are they valuable, how has the community perceived them?” and some of the questions Mr Coe has asked, but let us not step into a frame on this particular matter.

The community will still get plenty of opportunity to see a bill that comes before this place. I have no doubt the opposition will scrutinise it closely, as will my party. We will look at these matters very closely given how important this issue is for members of our community. But we are certainly not prepared to step into that frame of seeking to delegitimise this process. I welcome the amendment Ms Le Couteur has brought forward as a far more constructive way to reflect on the deliberative democracy processes the government is currently trying out.

Amendment agreed to.

Original question, as amended, agreed to.

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

### **Statement by chair**

**MR PETTERSSON** (Yerrabi) (10.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Employment and Youth Affairs. At a private meeting on 22 February 2017, the committee resolved to conduct an inquiry into the extent, nature and consequence of insecure work in the ACT. The committee indicated in October 2017 that it would move its anticipated reporting date to February 2018. Given the extent of the evidence before it, the committee has now resolved to report by the last sitting day in April 2018.

## **Environment and Transport and City Services—Standing Committee**

### **Statement by chair**

**MS ORR** (Yerrabi) (10.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment and Transport and City Services. At a private meeting on 6 December 2017, the committee resolved to conduct an inquiry into the role of, and opportunities for, the natural environment in Canberra as an urbanising city. The committee has resolved that I announce the inquiry and inform the Assembly in this statement.

The terms of reference are as follows:

The Standing Committee has resolved to conduct the following inquiry—

Noting the importance of the natural environment to Canberra, including the level of public support for nature and the natural environment, the growing importance of urban open spaces and bushland reserves and the benefits they bring to Canberra and opportunities for development of Blue—through water—

and Green—through natural form—infrastructure in Canberra resolved to inquire into and report on the matters affecting the value of the natural environment to an urbanising Canberra, including:

1. The level of public support for and satisfaction with amount and quality nature and natural environment areas in Canberra, particularly in urban areas.
2. The types of nature and natural environmental areas within Canberra e.g. urban open spaces or bushland reserves and the existing or potential benefits and challenges they bring to Canberra's:
  - (a) Social amenity;
  - (b) Economic development;
  - (c) Biodiversity; and/or
  - (d) Climate resilience.
3. Opportunities for Blue (water) and or Green (natural) Infrastructure in Canberra including:
  - (a) Functional requirements of proposed infrastructure;
  - (b) Cost and Maintenance considerations;
  - (c) Amenity benefits; and
  - (d) Conservation and biodiversity benefits.
4. Managing the interface between the natural environment and urban areas particularly in regards to conserved environmental areas.
5. Current policy or regulatory settings that impede the integration of the natural environment within optimal urban development and design.
6. Any other relevant matter.

The committee will report by the last sitting day in 2018.

## **Environment and Transport and City Services—Standing Committee**

### **Statement by member**

**MS ORR** (Yerrabi) (10.53): I seek leave to make a short statement in relation to this inquiry, as an individual member, not as the chair.

Leave granted.

**MS ORR:** Canberra is often referred to as the bush capital, which is not surprising given the extent of nature we have always had within our city. In years gone by, maintaining a natural environment within our city boundaries has been made easier by the small population to land space ratio. But, as we know, Canberra is growing, and with this population growth comes the need to accommodate everyone who is catching on to what longer term residents have always known: our bush capital is a great place to call home.

It is well known that the expanding of populations leads to expanding urban areas, which can and does put pressure on the natural environment. This is especially the

case in a landlocked city where the options for urban development become either developing up or developing out. Whether it be developing up or developing out, each in its own way puts pressure on the balance between our urban and natural environments. The good news is that it is not necessarily a case of having one option or the other, but as the challenge becomes a bit trickier, there is a need for a higher level of productivity to make sure that, as Canberra urbanises, we always keep nature in our city.

This inquiry provides Canberrans with a great opportunity to have their say about nature in our city as our bush capital grows, and I look forward to hearing people's thoughts.

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **Lakes Amendment Bill 2017**

Debate resumed from 31 October 2017, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MR MILLIGAN** (Yerrabi) (10.55): I can confirm to the Assembly today that the opposition will not be opposing this bill. I will, however, take this time to make some comments on the nature of the bill and the proposed amendments.

Whilst overall it is pleasing to see that the review initiated by the National Capital Authority in 2016 has resulted in updates to this legislation, it is disappointing that the ACT government has not been proactive in this area, and required a prompt from the National Capital Authority.

As a former waterski instructor, I spent many years on the water, probably too many, enjoying the fun that waterways can provide. That is why I find it disappointing that this bill fails to provide any increase in access to or opportunities available for recreation on Canberra lakes.

It is concerning that these amendments have taken so long, given that they address matters of public safety and enforcement of laws that Canberrans rightly expect to be in place. These amendments include the requirement to provide and wear life jackets; restrictions on the operation of boats under the influence of alcohol and other drugs; reporting requirements for accidents; and a number of clauses relating to powers of inspectors and the penalties for not obeying directions or requests.

Essentially, these are commonsense measures that should have been reflected in this legislation long before now. I note that these important safety measures are already operating in other jurisdictions. But at least the government is finally catching up.

It is also evident that some of these changes put forward have human rights implications. I note that these issues were explored by the Standing Committee on

Justice and Community Safety, and that these provisions are permissible and reasonable limitations. Still, it may be a case of “wait and see” to see how these changes are managed by this government. It will be vital to see that there is a balanced approach between the rights and responsibilities of water users and community stakeholders.

Another issue which has not been clarified by these amendments is that the additional activity or recreational use of lakes still requires ministerial approval. I will be monitoring the way the process for permits and the parameters used to make these decisions are communicated to the public.

Further aspects that I believe need to be highlighted—and this goes back to my love of water sports and recreation—are the restrictions placed on the types of boats and the maximum speeds allowed on Canberra’s lakes. This legislation enhances water use on one hand by allowing electric powered boats to operate without a permit if they travel at less than 10 knots, but it also restricts water access for other powered boats. A powered boat can be operated on a lake if it is not a personal watercraft such as a jetski and it does not exceed 10 knots. This excludes a wide variety of vessels whilst also placing an arbitrary speed limit on powered boats that are allowed to operate. This move is disappointing since water users are forced to rely on ministerial discretion for permits and authorisation.

There is another worrying aspect to these amendments. The minister can make these changes to the rules covering speed limits and the types of boats simply by placing a sign on the edge of the lake. This does not seem sufficient in terms of engagement and communication. I hope that the government will be more proactive and engage effectively with water users and their organisations.

It also seems very strange that as part of these amendments the government has decided to target particular water users. Section 43(a), covering waterskiing and other recreational activities, singles out wakeboarders and wake surfers. I would like to point out to the government that there are many other types of recreational water users. These can be grouped under the previous statement relating to “any person being towed by a boat on or over the water”. I hope that there is no other reason to single out this narrow group of water users apart from the fact that the government does not understand the types and needs of lake users.

As an avid fan of water sports, I believe that there is a place for greater access to and use of our waterways by a broad range of stakeholders. But I also believe that this must be done with proper consultation and consideration of all lake users and other representative organisations.

Again, I will be watching with great interest to gauge the impact of these amendments, and I will continue to liaise with water sports and fishing organisations in the ACT to provide them with a voice and to represent their interests.

**MS LE COUTEUR** (Murrumbidgee) (11.00): The Greens will support the overhauling of this outdated legislation. The government have assured us that they

have consulted with lake users and other groups although they have not done a deliberative democracy campaign on it. The Greens are happy to support the bill.

**MS CHEYNE** (Ginninderra) (11.01): Ms Le Couteur, I have to say that I think that is the shortest speech you have ever given in this place.

**Mrs Jones**: No, I think the Chief Minister outdid her yesterday.

**MS CHEYNE**: True. It took me by surprise. I rise to speak in support of the Lakes Amendment Bill 2017. This bill amends the Lakes Act 1976. The act commenced operation on 11 May 1989 following self-government. At the time it was a mirror of the commonwealth Lakes Ordinance 1976, which continues to regulate the waters of Lake Burley Griffin.

The ACT Lakes Act and commonwealth Lakes Ordinance have remained largely unchanged since their inception and they no longer reflect contemporary marine legislation. Minor technical and administrative amendments over time to both these laws have seen a slight divergence between the provisions within these laws.

For lake users, this creates potential conflicts and uncertainty when using our waterways, particularly for lake users who use Lake Burley Griffin, which is regulated by the commonwealth under the Lakes Ordinance. Then they might enter the Molonglo River or Kingston harbour, which are regulated by the territory under the Lakes Act.

I understand that the National Capital Authority, which administers the Lakes Ordinance, has been working with the ACT government on these legislative reforms and has agreed, subject to its legislative drafting process, to mirror the ACT legislation when passed to ensure a consistent approach across all ACT waterways. The minister has previously detailed some of the major reforms in relation to safety, navigation, compliance and enforcement, and I expect he might reiterate those today.

I would like to use my remaining time today to focus on other important reforms that will improve the operation and administration of the act, including reforms that will reduce the regulatory burden on lake users and on the issuing of approvals to undertake activities on our lakes.

The reforms reconcile ACT waters with commonwealth waters for ease of administration, particularly the interaction between Lake Burley Griffin and the intersecting ACT waters I previously mentioned: the Molonglo River and Kingston harbour. I will also discuss the new regulation-making provisions and proposed lakes regulation that will be developed to support the operation of the bill.

The new regulation-making power allows for offence provisions when setting out requirements related to safety equipment to be carried on a boat, qualifications of operators and detailed safety and navigation rules. Minor anomalies also exist both within the Lakes Act itself and between the Lakes Act and the commonwealth's ordinance.

The proposed legislative amendments in the bill seek to correct these anomalies which relate to areas declared as lakes under the respective laws. Currently, areas of the Molonglo River upstream of Lake Burley Griffin are declared under the Lakes Ordinance as a lake and they are administered by the National Capital Authority. However, the management of the area is undertaken by the territory.

The bill seeks to clarify the administrative and management responsibility for Molonglo Reach from the confluence with Lake Burley Griffin and align it with land management area responsibilities. The amendments in the bill make it clear that the territory has legislative and management responsibilities for Molonglo Reach and Kingston harbour, while the NCA has responsibility for Lake Burley Griffin.

The bill also introduces cross-jurisdictional arrangements where approvals issued under the respective territory or commonwealth law are recognised, subject to consultation between the regulating authorities. For example, commercial vessels operating out of the Kingston harbour, which is regulated under the Lakes Act, and travelling on to Lake Burley Griffin, which is regulated under the Lakes Ordinance, will require only one approval.

The provisions in the bill governing this approach require mandatory consultation between the territory and the relevant commonwealth agency responsible for administering the respective lakes legislation. This will remove the current duplication in respect of approvals for users of Lake Burley Griffin—administered by the commonwealth—and Kingston harbour and the Molonglo Reach—administered by the territory—where boats operate throughout these waters.

The ACT does not have boat registration and boat operator licence schemes. It therefore recognises licences to operate a boat and boat registrations that have been issued by other jurisdictions. The provisions in the bill recognise these licences for operating a boat on an ACT lake and the corresponding conditions issued by the respective jurisdiction.

To ensure compliance with the conditions of a boat registration or a boat operator licence issued in another jurisdiction, the bill contains provisions which make it an offence to operate or maintain a boat in contravention of the conditions imposed by the approving jurisdiction. That makes sense.

Due to the ACT's position within New South Wales, and considering the administrative resourcing required for ACT-specific licensing and registration schemes, this is considered an appropriate regulatory mechanism to achieve the desired outcome.

The bill also seeks to harmonise the regulation of powered recreational boating use on ACT lakes to be consistent with New South Wales laws. Under the amendments in the bill, for low-risk activities such as recreational powered boats travelling at speeds of less than 10 knots, licensing is not required. Currently, electric-powered boats operating on ACT lakes require a permit. This has resulted in a significant burden

both for government in administering the permit scheme and for lake users who, let us be honest, are undertaking low-risk activities on the lake.

The permit scheme is a legacy of the current outdated legislative framework due to the lack of specific safety and navigation provisions in the legislation and the absence of associated regulations. Currently, these requirements are included as conditions of use for each individual permit holder.

To ensure that safety is maintained, consistent with the New South Wales laws, the bill contains offence provisions for boats that are not licensed to travel over 10 knots, or that exceed this speed, and the other associated rules governing the safe use of boats.

The introduction of a more streamlined and risk-based approval regime will reduce red tape and remove regulatory barriers for people wanting to enjoy the territory's lakes. This will promote and facilitate greater use of this valuable resource for the benefit of all the community without compromising public safety outcomes.

I will now discuss in more detail the regulation-making power included in the bill. I first note that a draft of the regulations will be tabled for the information of members. This draft is indicative of the likely content of the proposed regulation should the bill be passed. The regulation-making power supports the operation of the bill and deals with technical and operational matters, including specifications and standards for safety equipment to be carried on a boat, navigation and general rules for the safe operation of boats.

For consistency, the regulations will be modelled on the corresponding New South Wales regulations. They will deal with matters such as the number and type of life jackets required for specific boats, the types of safety equipment required to be carried by specific boats and the lights required on specific boats.

The regulations will also contain offence provisions for lesser offences relating to safety and navigation. The regulations detail a number of safety requirements for operating a boat, including speed limits, distances to be maintained between boats, other lake users and designated areas such as swimming areas and requirements for the towing of people by boats, as well as the safe loading of boats.

The regulations will also address the conduct of people on boats, including passengers on boats and interference with navigation aids and safety equipment on boats. These provisions are particularly important due to the increasing use of our lakes and the variety of boats using our waterways. They range across commercial, sporting, community and recreational user groups. I think we are all aware of the new example we have seen on Lake Burley Griffin, which I understand has been incredibly successful.

In summary, this bill amends the territory's safety laws for lakes to ensure that they are up to date, as well as facilitating the safe use of our lakes for the enjoyment of our entire community. It results from the consideration of contemporary marine legislation that regulates the use of surrounding waters in New South Wales and the

views of commercial and recreational lake users, lakes managers, the regulators, and operational experiences in administering the legislation. It is always good to have consistency and harmonisation and to make things clearer. I commend the bill to the Assembly.

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (11.13), in reply: I thank members for their input into the debate on the Lakes Amendment Bill 2017. The bill makes amendments, as we have heard, to the territory's primary legislation that regulates the safe use of territory lakes, the Lakes Act 1976. We have a revised explanatory statement to the bill, which I will table for the benefit of the chamber.

The territory is a unique jurisdiction comprising modern urban centres, suburban and rural living, and we are fortunate to have a mix of high quality infrastructure coupled with large areas of nature, including our waterways, available for the enjoyment of the community. Canberra really is the bush capital.

Modern, effective and efficient laws, including those contained in the bill, aim to encourage enjoyment of our lakes while protecting the community who use them. The safe use of our lakes is necessary for all Canberrans as well as visitors to the national capital.

The Lakes Act provides the framework for safe use of our lakes. It also provides for managing activities on ACT lakes and waterways. This includes both commercial and recreational activities and provisions for lake closures for special events or to reduce the risk to the public.

The bill proposes a number of amendments to the Lakes Act. The proposed amendments may be categorised into three broad areas: firstly, major amendments to the Lakes Act to improve safety and navigation; secondly, specific activity related forums in response to operational experience; and, thirdly, minor and technical amendments to the act to improve its operation.

I would like to revisit the major amendments in the bill to the navigation and safety provisions of the act. These include the introduction of drug and alcohol testing for boat users consistent with the ACT road rules. I will detail the compliance and enforcement tools to be introduced to allow appropriate regulation of the navigation and safety provisions for lake users. I will also outline the life jacket requirements for users of boats on the lake.

A recent review of the Lakes Act 1976, conducted with the National Capital Authority, highlighted that the act is outdated and has inadequate stature. It has not been reviewed since its inception and does not currently provide clear or enforceable provisions in relation to navigation and public safety for users of ACT lakes. The legislation is out of step with contemporary marine legislation in surrounding New South Wales waters, which Canberrans frequent, and this potentially creates conflicts between lake users for New South Wales and interstate users who are increasingly enjoying ACT waterways.

The ACT lake users group was consulted to determine the issues to be addressed in the proposed review. The lake users group comprises representatives of recreational lake users, sporting and community clubs, and commercial operators, along with the ACT and Australian government's lake managers and regulators.

A working group, the ACT lake managers forum, was subsequently established, comprising representatives of the National Capital Authority, ACT Water Police, Access Canberra, Transport Canberra and City Services Directorate, the Environment, Planning and Sustainable Development Directorate, and the Australian Maritime Safety Authority, to progress the review of the Lakes Act and the commonwealth Lakes Ordinance. The provisions of the commonwealth Lakes Ordinance and the Lakes Act are effectively the same, with the main point of difference being jurisdiction over different bodies of water within the territory.

The ACT government supported the review due to concerns for users of ACT lakes and the ACT coroner's report recommendations in August 2015 following a fatality on the Molonglo Reach water ski area in 2010. One of the recommendations of the coroner's report was that a review of the relevant legislation be carried out to ensure that it is adequate and carries sufficient deterrence for unlawful use, and that members of the Australian Federal Police, ACT Water Police, have sufficient powers to enforce relevant legislation, including the issuing of infringement notices and the carrying out of random alcohol and drug testing.

The ACT lake managers forum agreed that the Lakes Act and Lakes Ordinance amendments should be modelled on the maritime safety laws of New South Wales, and specifically the New South Wales Marine Safety Regulation 2016. The New South Wales regulations are the most relevant to the ACT based on the ACT geographic location and the fact that they currently reflect best practice in maritime regulation. Further, given that water and boat users regularly cross jurisdictions, it is important that the maritime laws of the ACT and New South Wales are consistent.

The Jervis Bay Territory Marine Safety Ordinance 2016 was also recently enacted to address similar issues in Jervis Bay territory and served as a useful reference for amendments to the Lakes Act and ordinance as it is modelled on the New South Wales Marine Safety Regulation 2016 for safety and navigation provisions and the ACT Road Transport (Alcohol and Drugs) Act 1977 for drug and alcohol provisions.

The new drug and alcohol provisions will modernise the offence provisions and ensure consistency with the ACT road transport legislation framework and comparable maritime legislation in New South Wales. The drug and alcohol penalties under the bill are not linked to a person's vehicle drivers licence and the associated demerit system that applies.

The other major safety aspect of the bill relates to the responsibility of the boat operator. This person is known as the master of the boat, similar to the driver of a motor vehicle. The bill contains specific provisions in relation to the responsibility of masters. The master of a boat has specific responsibilities under the legislation in

relation to safety. This includes responsibility for ensuring that life jackets are available and worn by occupants in the boat, and are the appropriate type of life jacket for the person. This is particularly important for young children where an adult life jacket would not be suitable.

The master also has responsibilities in relation to boating accidents. This includes a requirement to stop and assist in the event of an accident, to provide licence information to other parties involved in the accident and to report the details of the accident to the appropriate authority. These requirements are consistent with road rules regarding safety and accidents and are again modelled on contemporary provisions contained in the corresponding New South Wales legislation.

To complement the provisions of the bill relating to safety and navigation, the bill contains enforcement provisions. These provisions are modelled on the corresponding New South Wales enforcement provisions and provide powers for authorised lakes inspectors to inspect boats for compliance with the act.

The proposed amendments to the Lakes Act will also insert and update contemporary safety and navigation requirements and associated directions and offences provisions relating to the use of the territory's lakes, consistent with the surrounding New South Wales waters. These provisions cover actions relating to the safe use of boats in the territory's lakes, including speed, boat operation, navigation, signals and lighting, towing, and loading of boats and safety equipment.

The bill also contains directions powers for lakes inspectors in relation to the safe use of our lakes. This will allow lakes inspectors to issue directions where a person is operating in a manner that could be considered a risk to other users or where the person is operating a boat in a reckless or negligent manner. For example, where a lake area has been closed for a safety reason, an inspector can direct the person to leave the area.

The bill also includes provisions for breaches of the safety and navigation provisions included in the bill. For example, where a person is required to wear an appropriate life jacket or carry specific safety equipment, these offences due to their nature are strict liability offences which can result in a person being fined for noncompliance.

The more serious offences which could result in significant risk to public safety are contained within the act. The penalties associated with these provisions are modelled on the corresponding New South Wales penalties appropriate to the ACT context. Provisions and offences of a lesser and technical nature are to be included in the new regulation to support the operation of the bill.

In relation to the proposed regulations under the bill, I note that these cover matters such as requirements for safety equipment to be carried on a boat, qualifications of operators and detailed safety and navigation rules.

I would like to finish by talking briefly about the requirements in the bill for operators and passengers on boats to wear life jackets. The government amendment which I will move shortly reflects consistency with the New South Wales rules for surrounding

alpine waters. This will require all persons on smaller recreation boats, being boats less than 4.8 metres in length, or on an off-the-shore sailing boat of any size, to wear the appropriate life jacket at all times. Smaller boats and the off-the-shore boats which do not have a fixed keel are more prone to capsizing, and it is appropriate that persons on these boats wear appropriate safety equipment.

For larger boats there are requirements that life jackets must be carried on the boat and be available for persons on the boat. The type of life jackets required and how they are stored and available will be included in the regulations that support the bill to allow for a quick response to changing standards and practices governing their type, use and availability.

In summary, the proposed amendments will align the ACT with contemporary legislation, particularly with the rules governing boating use in surrounding New South Wales waters. With increased use of our waterways comes the increased risk of conflicts. The contemporary safety legislation contained in the bill will protect all users of our lakes, ensuring that our community can enjoy our waterways in the knowledge that appropriate safety measures are in place. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (11.25), by leave: I move amendments Nos 1 to 5 circulated in my name together [*see schedule 1 at page 647*].

I table a supplementary explanatory statement to the government amendments. I am pleased to support these amendments today to the Lakes Amendment Bill 2017 for life jackets, to ensure consistency with surrounding New South Wales waters and the safe use of territory lakes under the Lakes Act 1976. The New South Wales regulations for alpine waters will require all persons on recreational boats under 4.8 metres in length and, as we have discussed, the off-the-beach sailing boats, to wear an appropriate life jacket at all times.

Googong Dam, Yass River and Lake Burrinjuck are all classified as alpine waters in New South Wales. The government amendment aligns the ACT with the corresponding New South Wales regulation for a person to wear life jackets for boats under 4.8 metres in length and the off-the-beach sailing boats.

In summary, it is important for lake users' safety and to remove any confusion for Canberrans operating in the ACT or surrounding New South Wales waters and for visitors to our region that rules regarding the requirements to wear life jackets are

consistent with the corresponding laws in surrounding New South Wales waters. I commend the government amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Work Health and Safety Legislation Amendment Bill 2017**

Debate resumed from 31 November 2017, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (11.28): From the outset I will state that the opposition will be supporting this bill today. The Work Health and Safety Legislation Amendment Bill 2017 builds on work already done to harmonise work safety legislation across states and territories. Clearly this harmonisation has been a key priority for successive commonwealth governments over the past 20 years and has had a clear aim to reduce the incidence of work-related death, injury or illness. This is an aim and an objective shared by all sides of politics. While states, territories and the commonwealth are responsible for making and enforcing their own work health and safety laws, there are some consistent approaches to these. We can safely assume that the devil is always in the detail in the application of these laws. Therefore, it is important to have consistent laws in this space.

As the minister has previously explained, this bill proposes to adopt chapters 7 and 9 of the national model Work Health and Safety Regulation, better known as the model regulation, which governs the use, storage and handling of hazardous chemicals and also makes improvement to handling asbestos.

I understand the bill will also make consequential amendments to the Dangerous Substances Act and the Dangerous Substances (General) Regulation. This is also in line with the reform agenda in the intergovernmental agreement. Once again, the opposition will be supporting this bill.

**MR RATTENBURY** (Kurrajong) (11.30): The measures presented in this bill and the regulation accompanying it are designed to improve work health and safety regulations particularly focusing on hazardous chemicals and hazardous facilities. The changes stem from a model work health and safety regulation developed at the federal level. During yesterday's debates I mentioned the national model Work Health and Safety Act which we passed in this place in 2011 and which has been an important reform. This reform is made in the same vein and is, in fact, part of the same process.

We have since adopted the national model asbestos regulation and today's bill adopts the national regulations covering hazardous chemicals and major hazard facilities. These are changes that already exist in most other jurisdictions as well as at the commonwealth level. The model regulations have been developed by SafeWork

Australia, and I understand it has been done over a considerable amount of time with considerable input from stakeholders and all jurisdictions.

The bill today essentially establishes the framework for the adoption of the model regulation on hazardous chemicals and hazardous facilities. More detailed regulations will follow in an amending regulation. I recall that in 2011 there was some concern that the adoption of the national code on hazardous chemicals could erode our local laws, particularly around the issue of asbestos. Members will know of course that asbestos has been a contentious issue here in the territory. There has now been evidence over several years from other jurisdictions that have adopted the model code already which has allayed these fears as the regulations appear to be working well. We have already adopted the asbestos regulations.

The legislation makes several main changes which I will not go into in detail as there is plenty of information on this elsewhere presented by another minister. The bill will require labelling and packaging of hazardous chemicals using the harmonised United Nations classification system known as the Globally Harmonised System of Classification and Labelling of Chemicals, or GHS. I think this is a sensible move as the GHS is an internationally accepted standard, and clarity and uniformity in the handling of dangerous substances can only be a good thing.

The amendments alter the requirement to register with the regulator in relation to the storage and handling of dangerous goods. Previously businesses that kept a placard quantity level of hazardous chemicals had to register with the regulator, that is, WorkSafe ACT. Under this new model law only businesses keeping more than manifest quantities of chemicals will need to register. Essentially that means a reduced requirement to register with the regulator and it is done to reduce red tape and allow the regulator to better allocate its resources.

I do not believe that this is a reduction in safety, rather a better targeting of regulation where it is needed. For example, at the same time that some businesses will no longer need to register with the regulator they will also be subject to additional safety requirements that previously only applied to businesses that were registered. An example is that they will now need to install and maintain fire protection systems designed to handle the type and quality of chemicals present at the workplace. These placard-level businesses also have to comply with various safety measures such as keeping a register of all hazardous chemicals stored or handled at the workplace and maintaining safety datasheets for all the hazardous chemicals. Through the model code there are also additional controls placed on businesses that have a manifest level of chemicals, for example, they need to consult with emergency services on their emergency plans.

Speaking of emergencies, members will recall that in 2011 there was a serious chemical fire in Mitchell. The business where the fire occurred stored a large volume of PCBs, otherwise known as polychlorinated biphenyls. PCBs are what are known as persistent organic pollutants, and the Greens have always held concern about how they are controlled and regulated, particularly when they are used or stored close to residents or where they can escape into the natural environment. Members probably recall that the report following the Mitchell fire raised concerns that the government

did not perform sufficient sampling and analysis for residues of PCBs following the fire.

It appears that the model law improves on the current ACT regulation around PCBs. It expressly and specifically prohibits the use, handling or storage of PCBs except in very limited circumstances. It increases the regulatory oversight with respect to PCBs, which is a change the Greens support. The changes will also introduce regulations to cover major hazard facilities. These are facilities such as oil refineries and large chemical warehouses. I understand that no facilities in the ACT qualify as major hazard facilities.

We also have no current regulations to govern these facilities, so the model code gives a framework to use if any of these arrive in the ACT in the future, though the Greens would certainly question whether we should be allowing any of these facilities here at all. I am sure the community would ask similar questions. I understand that several facilities in the ACT qualify at a level of 10 per cent threshold of a major hazard facility. The model code provides a tool that can be used in managing these facilities and, in fact, the code requires these businesses to register with the regulator. I believe that is an improvement.

Lastly, I note that the scrutiny committee raised some issues around the impact the bill could have on the right to privacy but it essentially asked that a more complete human rights analysis be completed in the explanatory statement. The minister has done that and I thank her for making those changes. The Greens are satisfied that the provisions in this bill and their impact on privacy are reasonable, and we are pleased to support this bill today.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (11.36), in reply: As others have said, the bill before us is a precursor step needed to facilitate the adoption of the national model safety regulations for hazardous chemicals and major hazard facilities into the territory's work, health and safety legislation. The bill clarifies the relationship between the territory's work, health and safety and dangerous substances legislation to ensure where there may be an overlap in their application the work, health and safety duties take priority. This approach has been preferred so as to minimize the potential duplication of health and safety duties on duty holders who use, store or handle hazardous chemicals.

As a precursor to adopting the national model regulations, the amendments in this bill are largely technical in nature. I thank Mr Wall and Minister Rattenbury for their contributions to the debate, and I also thank the Standing Committee on Justice and Community Safety for its careful consideration of the bill and its comments in the scrutiny report 13 of 6 February 2018.

At this time I table a revised explanatory statement. The explanatory statement has been revised in response to the scrutiny committee's request for further information on

the nature and extent of the application of schedule 1 to non-workplaces in the context of the right to privacy and reputation under the Human Rights Act 2004.

Recognising that hazardous chemicals are often used, stored and handled in the home, the bill makes the changes needed to ensure that the regulation of hazardous chemicals applies beyond the workplace. This move maintains the territory's current safety standards, as the current duty in the dangerous substances legislation already applies to everyone. The adoption of hazardous chemicals regulation into the work health safety legislation will give subject matter to the existing, but currently unutilised, entry and inspection provisions in relation to the use of hazardous chemicals outside the workplace.

Specifically the amendments in this bill to section 2 of schedule 1 are intended to ensure that the general safety duty under the section 23 of the Dangerous Substances Act is adequately and appropriately transferred into the work health and safety legislation. Consistent with the general duty that applies under the Dangerous Substance Act the purpose of schedule 1 is to ensure the public health and safety of occupiers of residential premises, visitors to a residence, passers-by and neighbours when hazardous chemicals are being used.

Anyone should have a reasonable expectation that their health and safety are not recklessly or adversely affected by anyone storing or handling hazardous chemicals whether at the workplace or not. Transferring this duty into work health and safety legislation provides a clear framework for regulating hazardous chemicals both within the workplace and outside of the workplace. This is important when considering the workplace and public health and safety imperatives when dealing with hazardous chemicals.

In addition to the technical changes made in this bill more substantial changes will come with the adoption of the hazardous chemicals and major hazard facilities chapters of the national model regulations into the territory's Work Health and Safety Regulation 2011. This will occur through an amending regulation which will be made and tabled in the usual process to come into effect on the commencement of this bill on 29 March 2018.

There will be a number of changes to current practices once the national model chapters come into effect. Firstly, the introduction of the Globally Harmonised System of Classification and Labelling of Chemicals, or the GHS, will bring the territory into line with other jurisdictions that have implemented model work health and safety regulations in relation to the classifying, labelling and packing of hazardous chemicals.

As I have previously outlined, moving to the GHS will address the current regulatory anomaly wherein a hazardous chemical that is supplied from New South Wales to the territory is correctly GHS labelled in compliance with the New South Wales law, but once it crosses the border into the territory it is not compliant with our law because it is not labelled under the ADG code. This has both practical implications for businesses and workplaces in the territory as well as regulatory impacts on WorkSafe

ACT, the territory's regulator for hazardous chemicals. This bill will address anomalies such as this for the cross-border supply and use of hazardous chemicals.

I will quickly respond to the scrutiny committee's comments in relation to the availability of information to the public. I note the committee has made some comments regarding the displacement of subsections 47(5) and 47(6) of the Legislation Act under the dangerous substances legislation. The requirement to make all incorporated documents under the dangerous substances legislation publicly available is, I note, already found in section 206 of the Dangerous Substances Act. The notes on the definition of the Australian standards, as I have noted in correspondence to Mrs Jones, are incomplete and as such will be amended on the republication of the Dangerous Substances (Explosives) Regulation 2004 to state where copies of the standards may be inspected as required under section 206. Again, I thank the scrutiny committee for its work in relation to this bill.

This bill will bring the territory into line with modern practices to better ensure the health and safety of workers and persons dealing with hazardous chemicals and in the regulation of major hazard facilities. This bill is another indication that the government is committed to improving community and workplace safety across the territory. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 11.42 am to 2.30 pm.**

## **Leave of absence**

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

That leave of absence be granted to the Chief Minister, Mr Barr, to attend the Prime Minister's delegation to the United States.

## **Ministerial arrangements**

**MR GENTLEMAN:** For question time today Minister Berry will act as Chief Minister and Treasurer and take questions in that portfolio, Minister Fitzharris will take question on economic development, and Minister Ramsay will take questions on tourism and major events.

## **Questions without notice**

### **Light rail—Gungahlin**

**MR COE:** My question is to the Minister for Transport Canberra and City Services. Minister, I wrote to you on 19 December on behalf of numerous Gungahlin businesses

that have had their financial viability threatened by light rail construction. Minister, will the government provide any form of financial compensation or relief for these businesses that are at risk of going under because the light rail work has made their operations unviable?

**MS FITZHARRIS:** I thank Mr Coe for the question. Certainly the government, through TCCS and of course through Canberra Metro, the consortium constructing light rail, has been in regular contact with businesses in the Gungahlin town centre and I have also had conversations with businesses in the Gungahlin town centre. I certainly accept that there has been disruption to a number of these businesses.

We have been working with them on ways that we can support them throughout the construction process and also, of course, giving them information on what steps are coming next. They will soon start to see some of the more immediate impacts of construction diminish, particularly on that section of Hibberson Street between Gungahlin Place and Hinder Street, which I know has had an impact on the street frontage for the businesses there. The government will continue to work with those businesses but no, as we have stated previously, financial compensation is not something the government is considering.

**MR COE:** Minister, how can you expect restaurants, cafes, dry cleaners and other service businesses to survive, given the dust, the fencing and the fact that there are no loading zones and there is no nearby parking in addition to there being limited access for those businesses?

**MS FITZHARRIS:** I personally visit a number of those businesses on quite a frequent basis and it is the case that there has been an impact. There has also been an impact from the construction works for the Gungahlin bus station. It is also the case that those businesses will soon start to see some of the benefits of significant upgrades directly in front of their businesses.

*Opposition members interjecting—*

**MS FITZHARRIS:** That is the case for many of them. They have been kept well informed. We understand that it has been difficult, but we have also kept in very close contact with them to provide them with information about the impact of light rail. My understanding is that the business engagement and outreach area of Canberra Metro is quite frequently in contact, in fact on a weekly basis visits businesses there and asks them what more they can do. I also note that it is a very busy part of the Gungahlin town centre.

*Opposition members interjecting—*

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

**MADAM SPEAKER:** Resume your seat. Point of order.

**Ms Berry:** Madam Speaker, their continuous—

**MADAM SPEAKER:** I think it is about the noise, the interjections.

**Ms Berry:** Yes, also the continuous snide and sarcastic comments that have been coming across the chamber. It is completely unacceptable behaviour. The interjections are making it difficult for anybody to hear the minister's response.

**MADAM SPEAKER:** I will ask those on the opposition benches to refrain from the interjections. Do you have anything further to add?

**MS FITZHARRIS:** No.

**MR MILLIGAN:** Minister, what legal recourse will be open to businesses to seek compensation for the economic loss resulting from your government's disregard for their plight and the welfare of their families?

**Mr Ramsay:** Madam Speaker, on a point of order, I believe that question is asking for a legal opinion, and I believe it is inappropriate.

**MADAM SPEAKER:** It is indeed, and—

**Mrs Dunne:** On the point of order, the question is not asking for a legal opinion. The question is asking: is there legal recourse? Because he used the word "legal" in a sentence it does not mean that it is asking for a legal opinion.

**MADAM SPEAKER:** Thank you. The advice is that it is out of order under standing order 117(c)(iii).

*Mr Hanson interjecting—*

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

**MADAM SPEAKER:** Can I just finish?

**Ms Berry:** I beg your pardon for interrupting your ruling.

**MADAM SPEAKER:** I have just said that that question was out of order.

**Ms Berry:** It was about another comment that was called out across the—

**MADAM SPEAKER:** I did not hear it.

**Ms Berry:** chamber. Mr Hanson just called out across the chamber that the Attorney-General was a dud. I believe that that is unparliamentary, and he should be made to withdraw.

**Mr Coe:** Madam Speaker—

**MADAM SPEAKER:** I did not hear the member. Before I go to you, if it is on the point of order—

**Mr Coe:** It is on the point of order.

**MADAM SPEAKER:** Can I finish? I do not know how many times I have raised the point about not only interjections but language that is disrespectful. It may not be considered unparliamentary by the absolute rule of the standing orders but certainly much of the interjection is offensive and disrespectful. I ask people to be very mindful of that.

**Mr Coe:** Madam Speaker, on your ruling, the question was: what legal recourse? In effect, you could also say: what recourse? The point of saying “legal” is not to seek a legal opinion but, in effect, to ask what contractual recourse is available. We could have easily dropped the word “legal” and we would have had, in effect, the same meaning. What recourse will be open to businesses to seek compensation? In effect, what contractual recourse, what legal recourse or any recourse is open to them? It is right and proper that the minister answer that.

**MADAM SPEAKER:** Mr Coe, I have made a ruling.

**Mr Gentleman:** Madam Speaker, on the point of order.

**MADAM SPEAKER:** Mr Gentleman.

**Mr Gentleman:** Madam Speaker, you have made a ruling. There is no debate on your ruling. It is important I think that you reaffirm that.

**Mrs Dunne:** I do not think you had a chance to finish making your ruling.

**MADAM SPEAKER:** I did say that I had ruled that supplementary out of order, and as for how questions are structured, I think we all should be mindful of that. I took advice; I was very clear to members that I took advice from the Clerk, and I have used that advice to base my opinion on.

**Mr Coe:** On your ruling, if we were to say what contractual recourse will be open, would that have been permissible?

**MADAM SPEAKER:** Mr Coe, I have made a ruling, and I am not debating it. The ruling has been made. The supp has been made out of order, and all of us should be very mindful about how you structure your questions.

**Mr Milligan:** Madam Speaker, can I rephrase the question?

**MADAM SPEAKER:** I will give you this one chance, but from now on, there is no more go-back. Mr Coe, I don't appreciate that little snigger from you.

**Mr Coe:** No, I was commending James for the—

**MR MILLIGAN:** Thank you, Madam Speaker. Minister, what recourse will be open to business to seek compensation for economic loss resulting in your government's disregard for their plight and the welfare of their families?

**MS FITZHARRIS:** That would be up to those businesses, but I utterly reject the facts put in Mr Milligan's question, and I ask that he would provide evidence for the government's disregard.

*Members interjecting—*

**MADAM SPEAKER:** We are just a few minutes in to question time. We have had to stop a number of times because of interjections. I have given Mr Milligan enormous leeway by allowing him to recraft that question. That will be the only leeway given this year; make no mistake. I will ask those on the opposition bench to be a bit more respectful during question time.

### **Public housing—Chapman**

**MRS JONES:** My question is to the Minister for Housing and Suburban Development. Last year, 872 residents signed a petition requesting that the development proposal for housing on block 1 section 45 in Chapman be withdrawn due to its location within the bushfire prone area, amongst other reasons. As the minister would be aware, last week the development application was approved. Minister, was the ACT government genuinely open to changing the plans or refining the plans based on the development application consultation process? If not, what is the purpose of such a process?

**MS BERRY:** As members will know, this matter has been discussed in this place at length and also within the community of Chapman. There were over six consultation sessions with the Chapman action group. A number of the issues that were raised were taken into account and the feedback that was provided by the Chapman community was taken into account in the design of the dwellings.

That included a reduction in the number of dwellings from 29 to 20, ensuring that there were central trees kept on the site, adjusting the building layout and also making sure that the access to the site was changed. Yes, it was genuine consultation and the feedback was listened to and changes were made.

**MRS JONES:** Minister, given that you claim this was a genuine consultation process, why were the many objections to the development application made by residents overridden, and what would it have taken for the government to actually change the plans to build on this block?

*Mr Wall interjecting—*

**MADAM SPEAKER:** Have you finished your question, Mrs Jones?

**MRS JONES:** I do not know. People want to rephrase my question for me.

**Mr Wall:** That is not allowed, apparently.

**Mrs Jones:** That is not allowed.

**MADAM SPEAKER:** Mr Wall, you are about one interjection away from being warned, given the attitude and the behaviour of your team today.

**MS BERRY:** Of course, the plans were changed. The development application has been approved by the planning authority, and now there is a period of time when people who object to the development application and the decision of the planning authority can object. That is the process. Prior to the development application being approved a considerable amount of time was taken with the community to take them through the plans and to listen to their ideas, so much so that members of the Chapman action group said that they wanted to be involved in discussing the kinds of products that would be used to build these dwellings, and that has been agreed to as well.

**MR HANSON:** Minister, had the government identified any backup sites for this supportive housing development should the consultation process have resulted in a rejection of the development application, or was the outcome actually decided from the very beginning?

**MS BERRY:** Public housing is being built all across the city, including as part of this renewal program.

### **Schools—International Women’s Day**

**MS LE COUTEUR:** My question is to the minister for education: how are ACT government schools being encouraged to acknowledge International Women’s Day on 8 March and the International Day of the Girl Child?

**MS BERRY:** International Women’s Day is on 8 March and there will be lots of events all across the city to mark that day celebrating the social, economic, cultural and political achievements of women. Schools across the community will hold a number of events, and I can give some examples of some of the events that have occurred in schools in the past on International Women’s Day.

In 2017 Gungahlin College had a special panel of women attended by students where Louise Maher, the ABC’s roving reporter, talked to year 12 students about being a female leader. As well, at the International Women’s Day breakfast the guest speaker was Group Captain Sally Dawsett RAAF with 120 staff, principals, teachers, seniors and students. The Education Directorate also holds tables at the UN’s International Women’s Day lunch where both women and men are invited to attend.

**MS LE COUTEUR:** Last year a government primary school decided to change the International Day of the Girl Child to the International Day of the Girl and Boy Child, thus completely changing the focus of the day. What guidance is provided to schools to ensure that they are not undermining the purpose of the day?

**MS BERRY:** I trust that schools will make decisions with their school community on the best way to celebrate International Women's Day. I do not think there is any benefit to anybody by excluding boys and young men from this conversation. Teaching boys and young men about International Women's Day: what it is about, what it means, where it has come from and what it hopes to achieve, and encouraging them to be inspired to become feminists themselves, is something that I would encourage every school to promote.

### **Education—Teacher Quality Institute**

**MR STEEL:** My question is to the minister for education. Minister, how is the government supporting a strong, professional teaching workforce in the ACT?

**MS BERRY:** I thank Mr Steel for his question. Just like lawyers, doctors, nurses and engineers, teachers are professionals and they are experts in their field. Teachers should also be respected and valued because of the specialist knowledge they have and the skills they possess.

The government is focused on delivering a strong, professional teaching workforce by implementing systems that support teachers to grow and to best use their knowledge and skills rather than telling teachers what to do in the classroom and interfering whenever there are challenges. We trust our teachers.

Over the term of this government we have implemented some important initiatives for our teaching workforce. Great teachers by design and great teaching by design provide systemic approaches to train and recruit expert teachers into our schools and to draw out the best evidence-based practice inside the school gate.

The ACT Teacher Quality Institute truly is Australia's leader in its work. Across our schools, in all systems, teachers are also engaged working together with universities and consulting experts to grow the body of knowledge about facilitating student learning. For example, Tom Lowrie, a mathematician at the University of Canberra, has been working with teachers on the use of spatial awareness as a maths teaching method and the results so far have been outstanding. The government also works very closely with the Australian Education Union which, alongside its industrial focus, is deeply interested in growing confidence and expertise amongst teachers.

**MR STEEL:** Minister, how has the ACT Teacher Quality Institute contributed to building professionalism and expertise amongst teachers?

**MS BERRY:** In 2010 the ACT established its own Teacher Quality Institute. The institute is led by Anne Ellis. She and her team are making an incredible contribution to building a professional, expert teaching workforce in the ACT. The ACT Teacher Quality Institute, unlike some other teacher professional regulators, has among its core functions the building of a trusted teaching profession. It does this through practical efforts aimed at raising teacher quality. The institute also emphasises work across school sectors, because when teaching professionals work together they are able to best share practice and engage in coaching and mentoring.

The outcomes of the institute are very clear. Over my time in this portfolio I have now twice had the opportunity to recognise teachers attaining highly accomplished and lead status, as well as the expert teachers who assess people seeking this recognition. ACT teachers are doing way better than any others in schools across the country in establishing accomplished and lead status, with around 15 per cent of the national attainment, despite our having a significantly smaller number of teachers in the profession. The institute is making a very vital contribution to our teaching profession.

**MS ORR:** Minister, what is the government's focus for furthering the teaching profession in the ACT?

**MS BERRY:** The government is working hard to support a strong teaching workforce in the ACT, and we trust our teachers. That work needs to continue and needs to be done alongside the profession to make sure that students are accessing the best learning opportunities.

Teachers and teaching have been an important theme of the future of education conversation, with some key insights that have already been shared. These include: "Teachers are the single most important resource to a child's learning." That was said by a school. "What makes us succeed is being surrounded by people, teachers and principals who encourage you but also push you to be the best that you can be," from a student. "Free your teachers from the administrative burden of recording everything and allow them to teach in a way that engages children and provides them with a lifelong love of learning," from a parent.

Over coming months I will be asking teachers to reflect on their work, on their profession and to consider what else needs to be done. I look forward to releasing a discussion paper soon about this and I look forward to encouraging teachers to be part of that conversation. As a quote from a parent highlighted, I am keen to look at how assessment and reporting can be aligned to what teachers know so that we can best support our students.

### **Public housing—Chapman**

**MR HANSON:** My question is to the Minister for Housing and Suburban Development. I refer to your media release of 15 March 2017 in relation to the site selection of block 1 section 45 in Chapman for supportive housing. I acknowledge residents of Chapman in the Assembly here today.

In the media release you stated that the sites were selected for supportive housing to support "Canberra's most vulnerable residents". Minister, why are you placing some of Canberra's most vulnerable residents within the bushfire-prone area?

**MS BERRY:** The development application has been approved by the planning authority, including ensuring that those homes will be built to the highest standard to ensure that they have the best fire safety standards, probably higher than some other residences in Chapman.

**MR HANSON:** Minister, is it the government's intention to locate aged, disabled or special needs tenants on this site, and if so, are these tenants expected to self-evacuate in the event of a fire?

**MS BERRY:** As I have said previously in this place, one-on-one conversations are occurring with tenants across Canberra who are being relocated into new homes. They will choose where they live across Canberra. That may be Chapman, if it suits their needs.

**MRS JONES:** Minister, in the event of evacuation—as many in the gallery have experienced—of this site due to fire, where will the tenants be relocated, and how?

**MS BERRY:** I assume that Chapman residents will have done safety plans in the case of an unfortunate event occurring, such as a fire through Chapman again. I would suggest that the same would occur for public housing tenants—in fact, more so—and that Chapman residents would be able to assist in that process.

### **Crime—victim welfare**

**MR WALL:** My question is to the Minister for Police and Emergency Services: my colleague Mr Hanson recently asked you to demonstrate that you cared about the workers of the Raiders Weston Club and Aldi by meeting with them regarding recent robberies. You said, and I quote—

*Members interjecting—*

**MADAM SPEAKER:** I ask those having a conversation across the floor to stop; I assume that Mr Gentleman would be having trouble hearing Mr Wall. Mr Wall, can you start from the beginning.

**MR WALL:** This question is for the Minister for Police and Emergency Services: Mr Hanson recently asked you to demonstrate that you cared about the workers of the Raiders Weston Club and the Aldi store at Weston Creek by meeting with them regarding recent robberies. You said:

I am not sure that it would be appropriate at a ministerial level to take that sort of action.

Minister, why do you consider it is inappropriate for you to have direct contact with members of the public about an issue relating to your portfolio?

**MR GENTLEMAN:** I meet regularly with members of the public across my portfolios. So what Mr Wall is saying in the premise to his question is incorrect. I do meet with members of the public on a regular basis across all my portfolios.

**MR WALL:** Minister, do you genuinely consider that it is not your job to meet with members of the public about your portfolio responsibilities, given your quote earlier this week?

**MR GENTLEMAN:** The quote that Mr Wall provides is a question I put to the Assembly in general terms. It was not an assurance that I will not meet with members of the community.

**Mr Wall:** Refer to *Hansard*, mate. Sit down before you make yourself—

**MR GENTLEMAN:** Mr Wall interjects again.

**MADAM SPEAKER:** Mr Wall, you have been asked. You have been forewarned about being warned. You are now warned.

**MR HANSON:** Minister, will you now commit to visiting the employees at Raiders Weston Club and Aldi?

**MR GENTLEMAN:** As I said to Mr Hanson in reply to his question the other day, I have not received a request to meet with those employees.

### **Community sector—government support**

**MS ORR:** My question is to the Minister for Community Services and Social Inclusion. Minister, how does the community support and infrastructure grants program support the ACT community sector to become more effective and efficient in service delivery to assist more Canberrans?

**MS STEPHEN-SMITH:** I thank Ms Orr for her question. This government works in partnership with our community organisations and community sector to provide a range of services and programs to support all Canberrans to reach their full potential. The recently opened community support and infrastructure grants program supports community organisations to deliver their programs and services for the benefit of members of the ACT community.

In 2018 the ACT government has made a total of \$230,000 available to support Canberra's community sector through this program. Organisations can apply for funding under one of the following categories: community support and capacity building; non-fixed infrastructure and equipment; and minor capital works and fixed infrastructure.

Funds may be used for a variety of purposes, all aimed at allowing these organisations to operate more efficiently and effectively, and so support Canberrans better. This can include administrative improvements, such as enabling shared service models to reduce operational burdens on organisations, allow for innovation in administration and better focus on serving clients, as well as providing for training in business and organisational planning to underpin better processes and planning inside an organisation.

Funds also may support the purchase of equipment, including furniture and storage, work safety equipment, and equipment such as cooking equipment for community rooms or kitchens. These sorts of small purchases can make a big difference to a

community organisation, and also allow the organisation to continue meeting work health and safety requirements. Minor physical infrastructure can also be improved or built, allowing for better energy efficiency, improved environmental outcomes or enhanced storage.

Applications for the grants close on 19 March 2018. I encourage all members to make their communities aware of these grants, and I look forward to announcing the successful applicants later this year.

**MS ORR:** Minister, what is the government doing to reduce barriers to online and digital participation for community organisations and their members?

**MS STEPHEN-SMITH:** I thank Ms Orr for her supplementary. The ACT government, through the participation (digital communities) grant program, is supporting community organisations to adopt or enhance their capacity to use digital technology.

A modern and responsive online presence means that community organisations can connect more effectively with our diverse community and Canberrans can more easily find the information they need. Through this program, community organisations can apply for grants to establish or upgrade their websites, purchase ICT software and hardware, conduct digital literacy training for members of the community, and translate and provide online information to members. This can be of special value to culturally and linguistically diverse Canberrans, Canberrans with disabilities and others who might otherwise feel socially excluded from the life of our city or unaware of the services, supports and social activities available to them.

In recognition of the needs of particular communities in Canberra, the digital communities grants include three priority areas for applications. Projects under the three priority areas could be (1) people, projects, activities or initiatives that contribute towards closing the gap on disadvantage, recognising the ACT government's commitment to Aboriginal and Torres Strait Islander people in our community; (2) targeted digital and/or ICT projects which assist mature age workers, aged 50 plus, to access programs and services that increase their ability to find work, reintegrate back into employment, re-skill and ensure that they remain active and productive members of our community; or (3) projects which raise awareness of domestic violence issues or programs that address the drivers or impacts of domestic violence within the community.

In 2018, the ACT government has made a total of \$101,115 available for grants to enhance Canberra's community digital participation. These applications are open until 19 March, and I again encourage members to make their communities aware.

**MS CHEYNE:** Minister, what sorts of projects have been funded by the community support and infrastructure grants program and the participation (digital communities) grants program in previous rounds?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for her supplementary question. The community support and infrastructure grants program and the participation (digital

communities) grants program have supported the ACT community for a number of years, funding a range of projects over the past four years.

Last year under the community support and infrastructure grants program, 37 organisations shared total funding of \$220,000 for their projects. The grants funded some essential infrastructure upgrades. For example, Companion House, a community organisation that assists survivors of torture and trauma, was successful in receiving funding to upgrade its phone system. The new high-quality conference phones that Companion House purchased enabled their clients to remain in a safe and confidential space with access to offsite interpreters. I am told that this has made a significant positive impact for clients at Companion House.

Other initiatives funded under the community support and infrastructure grants program included accessible kitchen equipment for the ACT Disability, Aged and Carer Advocacy Service, better known to most of us as ADACAS, and solar panels for the new Gungahlin mosque.

Under last year's participation (digital communities) grants program, 37 organisations shared a total funding of \$115,749.23 for their projects. The ACT Deafness Resource Centre received a digital communities grant to redesign its website to make it compatible with mobile devices. The Deafness Resource Centre relies heavily on digital media to communicate with their members. The upgraded website will utilise a different format to enable members of the deaf and hearing impaired communities to access the website from their mobile devices.

Among other organisations, Migrant and Refugee Settlement Services for the ACT was also a recipient of a digital communities grant. This funded a digital literacy program for seniors and mature aged workers.

These grants programs enable community organisations to better include and support all Canberrans in the life of our city in line with the ACT government's strong commitment to social inclusion across the board. (*Time expired.*)

### **Minister for Planning and Land Management—Europe delegation**

**MR PARTON:** My question is to the Minister for Planning and Land Management in relation to his study visit to Prague as reported on ABC radio this morning. Minister, you said you were not in control of the \$2,400 bill or the dinner venue as these were decisions made by your directorate on your behalf. Minister, why did you fail to exercise your own judgment about the excess of this dinner? Do you think it is within community standards to spend \$200 per head of taxpayers' money on a dinner in Prague?

**Mr Hanson:** Go to Hibberson Street.

**MR GENTLEMAN:** I thank Mr Parton for his question and Mr Hanson for his interjection of "Go to Hibberson Street" for dinner. I will put it to the next delegation that comes to the ACT that if they want to deal with the Canberra Liberals on

international business they should take them to Hibberson Street, perhaps. It is very good. I enjoy Hibberson Street.

*Opposition members interjecting—*

**Ms Fitzharris:** I raise a point of order, Madam Speaker. While we are pleased to see the Canberra Liberals in true form, for the benefit of everyone, it is extremely difficult to hear not only over the interjections but also the personal and frankly nasty nature of many of these interjections.

**MADAM SPEAKER:** I have asked you to stop your interjections, Mr Hanson. You are warned now as well. Quite frankly, the behaviour this afternoon and the interjections are quite above normal.

**Mr Hanson:** Madam Speaker, I accept your warning but I am not clear what is so offensive about saying, “Go to dinner on Hibberson Street.” That is what my interjection was. It is hardly a slur or offensive.

**MADAM SPEAKER:** Mr Hanson, I have made a warning. Throughout the afternoon your interjections have been loud, they have been constant and they have been quite snide and disrespectful.

**MR GENTLEMAN:** Of course, as minister I am the person responsible for those decisions. Those decisions are made in a budgetary sense. The directorate puts forward a budget for such trips to the Chief Minister. That is looked at by the executive and either approved or not approved. The articles in relation to the trip, including the dinner, were approved within the budget set aside for that particular trip.

Trips like this are very important. We learn new ideas and share international best practice. The delegation visited cities that demonstrated best practice examples of urban innovation, environmental sustainability and smart city initiatives. Indeed, the response from the EU world cities program was very positive. In November last year, following our trip, we had a delegation to Canberra from the world cities program to look at investments in business activities in the ACT. This year in March we will host a conference of 35 delegates from cities across the world that belong to this program. So there are fantastic learning opportunities for Canberrans and it is a very good investment.

**MR PARTON:** Minister, who actually approved the expenditure for this dinner, and were you presented with a budget for the trip in advance?

**MR GENTLEMAN:** Yes, that is the detail I just went into in my answer. Of course a budget is prepared well in advance for such a trip. The Prague EU delegation provided an incentive for us to travel there of some \$12,500. The dinner provided a response to that, as appropriate. Thirteen delegates attended the dinner, including four from the Prague City Council and one from the EU Parliament itself.

**Mrs Jones:** A point of order, Madam Speaker, on relevance. The question was who approved the dinner. Minister Gentleman said he refers to an earlier answer, but it did

not actually state whether he had seen the budget, which is a very important part of the question.

**MADAM SPEAKER:** From memory in the minister's earlier answer he made reference to the fact that trips have budgets and that is stock standard process. Mr Gentleman, do you have more to add?

**MR GENTLEMAN:** No.

**MR WALL:** Minister, are you not ultimately responsible for the decisions of your directorate; therefore why will you not take responsibility for the decision regarding a \$2,400 dinner bill?

**MR GENTLEMAN:** I have been open to the public, but I am responsible for the decision, and it was my responsibility for the particular dinner. So Mr Wall is incorrect in his statement that I have not taken that responsibility.

### **Public housing—Chapman**

**MISS C BURCH:** My question is to the Minister for Housing and Suburban Development. I refer to the decision last week to approve development application 201732687 to place supportive housing on block 1 section 45 in Chapman. This block falls within the bushfire-prone area, and consequently conditions were imposed on the DA by ACT Fire & Rescue. Minister, was the ACT Rural Fire Service consulted on this development application and, if so, what special conditions did they require to be applied to the supportive housing development?

**MR GENTLEMAN:** Madam Speaker, it would be appropriate for me to take that since it relates particularly to the development application for those properties. I can say that this DA in block 1 section 45 was lodged on 11 October 2017. The notification period for the proposal commenced on 20 October and was publicly notified for five weeks until 4 November. During the notification period, 83 representations were received. Concerns included registered trees, community consultation, access to shops, services and public transport, water pressure, use of community land and bushfire risk. Concerns have been considered by the planning and land authority, and where necessary conditions have been imposed on the development.

**Mrs Jones:** Point of order.

**MADAM SPEAKER:** Mrs Jones.

**Mrs Jones:** On the question, on relevance, the question was whether the Rural Fire Service was consulted, and that was not touched on at all in the minister's answer.

**MADAM SPEAKER:** Thank you, Mrs Jones. You have a minute left, minister.

**MR GENTLEMAN:** RFS were consulted through the ESA.

**MISS C BURCH:** Minister, was the ACT Ambulance Service consulted prior to approval of the DA? If so, what special conditions did they require to be applied to the supportive housing development?

**MR GENTLEMAN:** Yes, all ES agencies were talked to during the consultation period of the development application. The directorate talks to them on a regular basis about particular issues in relation to development applications, and planning for the future of Canberra.

**MR HANSON:** How do public liability, professional indemnity and property insurance costs and cover vary for a public housing site inside the bushfire prone area as compared to a public housing site outside of the bushfire prone area?

**MR GENTLEMAN:** PLI is not my responsibility, Madam Speaker.

### **Gungahlin—sporting facilities**

**MR MILLIGAN:** My question is to Minister for Sports and Recreation. In December 2016 you promised a feasibility study for an indoor sports centre for Gungahlin and reported to this chamber, and I quote, “The feasibility study is being conducted.” Then in February 2017 you reported that the feasibility study was happening very soon, and again I quote, “It’s not going to happen next year; it is going to happen this year.” Minister, given that we are now in 2018, when can the people of Gungahlin, Belconnen and Woden expect work on this project to begin?

**MS BERRY:** I can give some information on the feasibility study. The consultants have been engaged and conversations have occurred recently with community councils in Gungahlin and Woden. I am not sure about Belconnen, but I know those two were consulted and were part of the conversation as well as some of the sporting communities across the ACT.

The answer to the question: when will the feasibility study be released—I do not think that is what he asked—is that it will be very soon.

**MR MILLIGAN:** Minister, why has it taken so long to conduct this feasibility study?

**MS BERRY:** To make sure that it was comprehensive.

**MR COE:** When can the people of Gungahlin expect that an indoor sports centre is going to be built given you have done this year-long comprehensive study?

**MS BERRY:** The study will be released. It included Gungahlin but was not just Gungahlin.

### **Justice—restorative**

**MS CHEYNE:** My question is to the Attorney-General. Can the minister please update the Assembly on the government’s work to make Canberra a restorative city?

**MR RAMSAY:** I thank Ms Cheyne for the question on this important area. It is certainly timely for the Assembly to receive an update on the work that is going ahead on making Canberra a restorative city. I note that there is a gathering of the restorative communities network today, and there is a forum here this evening.

Earlier this year the Chief Justice of the Supreme Court of the ACT spoke about the importance of restorative practices in criminal justice. Her Honour's comments emphasised the importance of a court process that ensures that victims have a voice in the justice system. This government recognises that an accessible justice system is one where the voices of those who seek its protection are heard, and heard well. We are developing ways to make the justice system even more timely, transparent and accessible through restorative practices.

The ACT Law Reform Advisory Council is currently developing a report on this very question, and looking at models around Australia and overseas that offer lessons for Canberra. They will report this year on ways to make Canberra a restorative city. I am looking forward to receiving their recommendations.

**MS CHEYNE:** Minister, can you give some examples of how adopting restorative practices will make Canberra safer?

**MR RAMSAY:** I thank Ms Cheyne for the supplementary question. Indeed, restorative practices are key to reaching this government's ambitious goal of a 25 per cent reduction in recidivism by 2025. Restorative approaches involve making the community whole again after there is conflict, crime or loss. Holding people responsible for crime can happen simultaneously while addressing the underlying causes of their behaviour. That is why we are investing in the development of a drug and alcohol court for the ACT.

Drug and alcohol courts are an example of therapeutic justice where the outcome sought is not just punishment but treatment of the underlying cause of offending. We know from the evidence that reaching people with the right services at the right point of time in their contact with the justice system helps to build stronger people, stronger families and stronger communities. The drug and alcohol court will help to bring this approach to the criminal justice system and help to reduce recidivism by treating people whose crimes are primarily the result of addiction.

**MS CODY:** Minister, can you provide some more detail about how restorative practices help the broader community, not just those in the criminal justice system?

**MR RAMSAY:** I thank Ms Cody for the supplementary question. Yes, indeed, decisions about services, disputes between neighbours and many other everyday processes can benefit from a fresh look at restorative practices. Our community legal centres play a key role in bringing a restorative approach to the justice system. The Women's Legal Centre's well-developed referral service is a great example. They help connect vulnerable women with support for more than just their legal issues: housing, support to end family and domestic violence, and family counselling are just some of the ways that the Women's Legal Centre can help their clients.

Building an accessible, timely and transparent justice system requires looking at more than just the courts and just the law. It requires us to view the justice system as an integrated element of our community. The government will keep working to find ways and implement ways to ensure that the courts, and our laws, contribute to a safer, stronger and more connected city as a whole.

### **Tuggeranong—town centre upgrade**

**MS LAWDER:** My question is to the Minister for Transport and City Services. Minister, last year the ACT government undertook stage 1 redevelopment or modernisation at Anketell Street of the paved area—the courtyard or gazebo area—in the middle of the Tuggeranong town centre. The project was criticised at the time for including an unusual and unpopular lighting feature/sculpture. The trees that were originally planted in the area died and had to be replaced. Now it has now become evident that the street furniture that was placed along the street is deteriorating at a rapid pace. Minister, what actions did the government undertake to ensure that the furniture and trees chosen for the area were appropriate?

**MS FITZHARRIS:** I thank Ms Lawder for the question. I have actually had a range of responses about the upgrades, including from you, Madam Speaker. I know that the upgrades are welcome. There is more work to be done. Certainly, some people criticised them—I know Ms Lawder did—but others liked the particular sculpture that was installed there.

I am not aware of deterioration. I recall potentially one letter that I may have received. I will follow up. It would certainly be the case that TCCS always takes care to select the right landscaping, the right trees and the right shrubs. They also take care to install the right street furniture. One of the key considerations they have is the ongoing maintenance of both landscaping and the street furniture. I will take the question specifics on notice.

**MS LAWDER:** Minister, who made the decision on what objects were placed in this paved area, and what consultation was undertaken?

**MS FITZHARRIS:** That was a decision taken in the directorate. I, of course, saw the early plans. I also know that there was reasonably extensive consultation on those works over a number of different phases, including with individuals in the community, with local community groups and with the Hyperdome management staff as well.

**MR PARTON:** Minister, who paid for the replacement of the trees and potentially the furniture, and how much has it cost for these replacements?

**MS FITZHARRIS:** If I could clarify with Mr Parton: I am not aware of new furniture being reinstalled. Is that what he is asking?

**MR PARTON:** The trees specifically.

**MS FITZHARRIS:** That would be within the budget of that project, I would imagine. If I am incorrect, I will correct the record.

## **Roads—Yarralumla**

**MS LEE:** My question is to the Minister for Transport and City Services. Minister, the government has begun the process of widening and upgrading Dudley Street Yarralumla at a cost of approximately \$8 million dollars. As the works include neither additional lanes nor improved access to either Cotter Road or Novar Street Yarralumla, why has the government committed millions of dollars to this upgrade?

**MS FITZHARRIS:** I do believe that this project is not a roads project that is being managed by Transport Canberra and City Services. But if I am incorrect I will follow up and government members will take the question on notice.

**MS LEE:** Perhaps the minister will need to take this on notice: why did the government commit itself to this type of upgrade rather than investing in the long-term goal of a road interchange at the Mint, which both the growing populations of Weston and Molonglo and the government's proposed plan for light rail stage 2 would require?

**MR GENTLEMAN:** I might take this question. It relates to the work in regard to the new residential opportunities at Yarralumla, where the brickworks used to be. The road that is being built is to give access to construction sites and, later on, traffic. It was as part of that process that the design framework and engineers did this piece of work.

**MR PARTON:** Minister, on what authority can you build on the habitat of the golden sun moth when other developments around Canberra have been prevented from proceeding due to such habitat?

**MR GENTLEMAN:** There are a number of instances where you can receive commonwealth EPBC approval for construction in some areas that could be habitat for endangered species. These matters are worked on with the commonwealth. They give us permission to use habitat in those areas as long as we provide habitat in other areas. The ecologists work in these areas and give us advice on where we could build and where we should not.

## **ACT Health—workplace attraction strategy**

**MS CODY:** My question is to the Minister for Health and Wellbeing: how will ACT Health's new workforce attraction strategy affect the health workforce in the ACT?

**MS FITZHARRIS:** I thank Ms Cody very much for her question and, of course, her significant interest in ACT Health's workforce. As members know, the ACT government is expanding health and hospital services over the coming years to cater for the growing needs of our region. This planning includes the expansion of the Centenary Hospital for Women and Children, the SPIRE centre, planning for north side health services, building the popular Gungahlin and Weston Creek walk-in centres, a new inner north walk-in and health centre, and opening the new University of Canberra hospital later this year. This means that some of the best jobs in health

will be available in the ACT, and ACT Health will be seeking highly talented health staff to help meet the health needs of our community.

Attracting high calibre staff takes planning. ACT Health are developing a broader approach that not only targets individuals but also shares the benefits of living in our attractive city which offers a wonderful lifestyle for families and careers for professionals who, of course, can take full advantage of our unique higher education and research sector here in the ACT. This approach will help us to fill some existing skills gaps, particularly in some surgical specialties and psychiatry to name a few. We will build momentum as the workforce needs for new health facilities and models of care are developed.

**MS CODY:** Minister, who is the strategy likely to target?

**MS FITZHARRIS:** The strategy will likely target some key priority areas in the first instance, particularly those where ACT Health have identified a workforce need. There will also be a strong focus on management and leadership training opportunities as well as practitioners who have sophisticated skills and expertise, including surgeons, especially ear, nose and throat specialists, anaesthetists and psychiatrists, general physicians, emergency medicine specialists, nursing staff and allied health professions. All those will be vital as we build these new services.

Recruitment has commenced as part of the planning for the opening of the new University of Canberra hospital. This will continue as the hospital ramps up to full capacity with the broader workforce attraction strategy.

The new University of Canberra hospital training partnership with the University of Canberra offers an incredible pipeline of professionals, including nurses, physiotherapists, occupational therapists and nutritionists. This strategy will target these graduates to make sure they choose Canberra as the place where they want to start their career.

There is also an opportunity to build on the partnerships we have in health with our significant research and education institutions: the ANU, the University of Canberra and the Australian Catholic University, as well as the Canberra Institute of Technology. As we know, in health professional connections to education, research and ongoing professional training are a key part of career development.

**MR PETTERSSON:** Minister, how will this improve delivery of health services in the ACT?

**MS FITZHARRIS:** This work will continue to support the ACT to be in a competitive and strong position for growing and attracting a high-performing health workforce. Addressing current gaps in services through this more strategic approach will be a foundation for planning for our significant expansion of surgical procedures in the new SPIRE centre. It will help us deliver surgery within recommended treatment time frames. It will help us continue to improve our emergency department waiting times, which are now 30 per cent better than they were a couple of years ago. It will help us respond to the growing number of births in the ACT and support young

mothers and families, through a workforce ready for the expansion of the Centenary Hospital for Women and Children. For people with chronic illness, it will improve gaining access to all specialists in a timely manner, delivering joined-up care, which we are strengthening and championing through the territory-wide health services planning. The strategy will also assist in recruiting for nurse-led walk-in centres, with the opening of the Gungahlin walk-in centre later this year, a new walk-in centre in Weston Creek and a new health centre in the inner north.

### **Trade unions—CFMEU**

**MRS KIKKERT:** My question is to the Acting Chief Minister. Kevin Rudd said that Labor should sever ties with the CFMEU “given the evidence of corruption, bullying and law-breaking”. Bob Hawke has stated:

It just is appalling ... I wouldn't tolerate it.

Judges have said the CFMEU “has contempt for the law” and is trying to “usurp parliament”. Jon Stanhope has called for the first inquiry of an ACT integrity commission to be “into the relationship between the ACT government and the Labor Party and CFMEU group of clubs”. Acting Chief Minister, will you suspend the political and financial relationship between the ACT government and the Labor Party and Tradies group of clubs until such an inquiry is conducted?

**MS BERRY:** No.

**MRS KIKKERT:** Acting Chief Minister, will your government support an inquiry into the relationship between the ACT government, the Labor Party and the Tradies group of clubs?

**MS BERRY:** That question does not make sense. I am not sure which inquiry she would be referring to.

**Mrs Kikkert:** Would you support it?

**MS BERRY:** What inquiry—by whom?

**Mr Gentleman:** Hypothetical.

**MADAM SPEAKER:** Have you answered the question? And it was somewhat hypothetical as well, Mrs Kikkert.

**MR COE:** Chief Minister, why are you planning to further empower the Tradies' and CFMEU stranglehold over your government by making the MOU law when some people have already flagged that it will be referred to a future ICAC?

**Ms Fitzharris:** A point of order, Madam Speaker. Under standing order 117, that supplementary question contained significant inference and was lacking in fact and I seek your ruling on whether that supplementary question was at all in order.

**MADAM SPEAKER:** Ms Fitzharris is right to refer to 117(b), which says that a question shall not contain inferences and imputations. If we were to scour *Hansard* we would find lots of questions that indeed hold that tone. I will let the question stand, but I will let the Deputy Chief Minister answer in a manner she sees fit.

**MS BERRY:** I am confused by the Leader of the Opposition's question, given that they did not vote against the motion yesterday on the development of a code for the ACT. So the question does not make any sense to me.

*Mr Wall interjecting—*

**MADAM SPEAKER:** Thank you, Deputy Chief Minister.

**Mr Gentleman:** Madam Speaker, on a point of order, you warned Mr Wall, and he continues to interject across the chamber.

**Mr Hanson:** On the point of order, Madam Speaker, it was me who was warned, not Mr Wall. He is innocent.

**MADAM SPEAKER:** Mr Hanson and Mr Wall, you are both warned. This afternoon still has plenty of time left to see you put out the door.

### **ACT Health—opioid treatment guidelines**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing: today you announced that the ACT's opioid treatment guidelines will be replaced by the national guidelines for medication-assisted treatment of opioid dependence. These guidelines were adopted at the national level in April 2014. On 2 August 2017 you told the Assembly that new guidelines would be completed in about six weeks. That was about six months ago. And you stated in this place on 14 September regarding replacement treatment guidelines:

Yes, I received those yesterday and I look forward to having a few more days to discuss those with ACT Health directly.

That is the last we heard about that until today. Minister, why has it taken the government four years to adopt the national guideline on medication-assisted treatment of opioid dependence and five years to actually replace the out-of-date guidelines?

**MS FITZHARRIS:** I thank Mrs Dunne for the question. Indeed, we were very happy today to see that the new opioid treatment guidelines have been published. When I referred to this last in the chamber in December I had, indeed, received a briefing folder. I had not yet read it, as I indicated. In that briefing folder there was further advice that relevant stakeholder groups who had been very extensively involved in consultation, upon my request, had sought a further consultation period. Given that that was in December, one of the most difficult times of the year to consult, they asked the government through the working group if further time could be allowed.

That was allowed, and subsequently I believe we now have ACT-relevant opioid treatment guidelines which are based on the national guidelines.

It is also important to note that while these have now come in to effect, at no point during the preceding years were there ever outdated guidelines; they always remained in effect and they always guided clinical practice. What we now have is updated guidelines based on the national guidelines that are very relevant to the ACT and have undergone extensive consultation with stakeholders in the drug and alcohol sector here.

**MRS DUNNE:** Minister, can you clarify for the Assembly when you received this brief? What you have said in the chamber today seems to contradict what you said in the chamber last year.

**MS FITZHARRIS:** I do not believe that I did contradict. I believe that Mrs Dunne referred to the fact that when I was asked in December I said, "I have just received those."

**Mrs Dunne:** It was September.

**MS FITZHARRIS:** Well, in that case there was ongoing consultation. There was significant consultation with a range of different health groups here. I have those dates in my office. I can provide those dates on which very consultative meetings took place to update these guidelines. They continued throughout the end of last year, most recently through January and February of this year before the guidelines were completed and announced today. I do not believe that I have misled the Assembly but I will certainly take the detail of the question on notice, reread it and come back.

**MR STEEL:** Minister, why is it important to consult on the development of new guidelines?

**MS FITZHARRIS:** It is essential to consult. I thank Mr Steel for the question because it is vital. It not only allows us to learn from stakeholders. It also makes sure that we get our policies, our procedures, our frameworks and our guidelines right.

This group that was consulted with on the opioid treatment guidelines had representation from a wide number of groups, not only within ACT Health within the justice setting but also within the community setting: those members of community groups who deliver on-the-ground services, who work daily with people with opioid dependency and who rely on these guidelines.

I am very pleased that we took the time to do this consultation but I am very pleased to see these guidelines finalised.

### **Sport—go-karting**

**MR PETTERSSON:** My question is to the Minister for Sport and Recreation. Minister, can you update the Assembly on the government's election commitment to upgrade the Mark Webber go-kart track?

**MS BERRY:** I thank Mr Pettersson for his question. The ACT government is committed to supporting new participation in motorsport through the improvement of existing infrastructure at the Circuit Mark Webber track. On 31 January 2018, the ACT government announced a \$200,000 grant to the Canberra Kart Racing Club to support an upgrade of the Circuit Mark Webber track.

I know that Mr Gentleman has a keen interest in the track, as does Ms Cody. The feedback they have had so far is that the government's new investment and how it will transform Circuit Mark Webber into an international standard track have been very well received by the community. I noted the positive comments across Facebook after the announcement was made.

Works on the upgrade are expected to commence in the coming months, and they will be completed in 2019 for the community to enjoy.

**MR PETTERSSON:** How will the upgrade improve the ability of the Canberra Kart Racing Club to attract new local participants and visitors from interstate?

**MS BERRY:** This is very exciting for the Mark Webber Canberra Kart Racing Club. It will bring the facility up to international standards. The Canberra kart club and Karting Australia will now have the chance to host a range of events. These will include state and national championships, as well as international competitions, attracting both interstate and international visitors to the ACT.

Events that the track will become capable of hosting include stages of the pro tour or Australian Pro Karting series, which can attract 200 or more karters and up to 800 spectators.

**MR STEEL:** Minister, how is the government's investment leveraging other improvements at the track?

**MS BERRY:** The extension of the Circuit Mark Webber track represents stage 1 of a broader suite of improvements the Canberra kart club wish to progress over time. These include an extension to the existing fencing and an addition to existing fencing; realignment and extension of existing gravel driveway; new ancillary building; resurfacing an existing section of the track; screen plantings; new or upgraded pit areas, including a new officials and kart weigh area; and new water sensitive urban design ponds. In addition to self-financing and in-kind support, the Canberra kart club will be partnering with Karting Australia through the Karting Australia track development fund to access additional funds to support further upgrades.

Madam Speaker, I ask that all further questions be placed on the notice paper.

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

### **Light rail—WorkSafe ACT notices**

**MR RAMSAY:** In my answer to yesterday's question from Mr Coe about WorkSafe notices in relation to light rail, I indicated that there had been six prohibition notices. I am advised that that number is five, rather than six. I also note that this responds to a

matter that Minister Stephen-Smith took on notice on Tuesday. For the information of members, I can advise that the prohibition notice that was in force at the time of question time yesterday was lifted by WorkSafe yesterday evening.

### **ACT Health—opioid treatment guidelines**

**MS FITZHARRIS:** In relation to Mrs Dunne’s earlier question about opioid treatment guidelines, I want to say that I misheard her and thought she said “December”. She was correct that in September I did receive the outcomes of Health’s internal review of the guideline and—

**Mr Coe:** You also said it was too hard to consult in December.

**MADAM SPEAKER:** Please continue, Ms Fitzharris.

**MS FITZHARRIS:** Madam Speaker, I will continue, and I encourage the opposition to listen, to wait their time. I will answer Mr Coe’s question. In September 2017 I did receive the outcomes of ACT Health’s review of the guidelines and Health’s recommendations to adopt these national guidelines on opioid maintenance. I then sought further consultation with relevant stakeholders.

Since then, ACT Health has undertaken two extensive consultation rounds with relevant stakeholders within the drugs sector to discuss this and other measures that needed to be put in place to support the national guidelines. In late September 2017, consultations were held with the ACT Opioid Treatment Advisory Committee, OTAC, to discuss the proposal to adopt the national guidelines, and comments were sought on the development of *Opioid maintenance treatment in the ACT: local policies and procedures*, as announced today, which provides local information and procedures for opioid maintenance treatment in the ACT, to complement the national guidelines.

Follow-up consultations took place on 4 December 2017 to discuss outcomes from the initial consultation. ACT Health extended the consultation period further, as consumer representatives felt that more time was necessary to review the changes, particularly the new policies and procedures document, in more detail. ACT Health then consolidated the feedback and shared the feedback from both consultation rounds with stakeholders in January. We have today released those opioid treatment guidelines.

### **Multicultural affairs—mother languages**

**MS STEPHEN-SMITH** I rise to provide additional information in relation to a matter arising from yesterday’s question time.

Yesterday in question time, Mrs Kikkert asked a question in relation to a motion that passed this place in a spirit of tripartisanship and harmony on 13 September 2017 on mother languages, specifically about the subject section of that motion calling for the establishment of “collections and displays, sometimes called an ‘Ekushey Corner’, at ACT Libraries to promote and protect mother languages”.

Collections in a range of languages are held in libraries across the territory, from the Arabic collection held at Woden to the Sinhalese and Bengali collections held at Gungahlin and the Chinese collections held in Dickson, Tuggeranong and Gungahlin. Some of these were detailed in my letter of 20 December 2017 to Mr Coe, referencing Mrs Kikkert's question, which, to correct the record, I subsequently realised I did in fact have with me in the chamber. In my response, I also noted that Libraries ACT undertakes a range of activities that celebrate mother languages. Further to this, I can confirm that Libraries ACT is hosting a number of exciting events to celebrate culture and mother languages.

In the lead-up to International Mother Language Day yesterday, and as part of the National Multicultural Festival, bilingual storytelling was held at the Civic library. Yesterday, Libraries ACT marked International Mother Language Day at Tuggeranong library with Ngunnawal man Richie Allan sharing his language and culture with three-year-olds to five-year-olds and their carers. Further bilingual story times will be held at Libraries ACT in the coming months, starting with Hindi on 15 March, followed by Bengali in April and Mandarin in May.

These bilingual storytelling sessions also provide an opportunity for visitors to learn about the array of language resources that can be accessed at Libraries ACT. The library is keen to hear from bilingual members of the community who would like to work with them to deliver regular bilingual story times in their own language.

To mark Harmony Day in March, Civic library is hosting a celebration of language and culture, providing an opportunity to meet some of the many organisations providing services to culturally and linguistically diverse Canberrans. I am advised that Libraries ACT will also continue to consider how it may be able to build on its considerable work in establishing and maintaining collections and displays to promote and protect mother languages, as set out in the 13 September motion.

I was pleased to support Mr Coe's motion in September. For the information of the Assembly, I recently met with the international mother language movement to discuss the next steps in exploring the construction of the monument that was also mentioned in the motion.

Finally, I thank the international mother language movement for their passionate advocacy for the preservation and promotion of mother languages and look forward to joining them at the international mother language walk this weekend, where I am sure there will also be opposition members present.

## **Personal explanations**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.43): I seek leave to respond to Mr Coe's personal statement yesterday where he indicated that I had misrepresented him.

**MADAM SPEAKER:** Are you seeking to make a statement under standing order 46?

**MS FITZHARRIS:** I am seeking to make a statement.

**MADAM SPEAKER:** Ms Fitzharris.

**MS FITZHARRIS:** I rise today to respond to allegations made yesterday by Mr Coe in relation to falsely accusing him and/or the opposition of not raising the issue of the Mitchell light rail stop. Mr Coe urged me to correct the record and apologise for these assertions, and to undertake a Google search.

Madam Speaker, I do not believe I have anything to apologise for. I can assure Mr Coe that I have done a simple Google search and I am happy to update the Assembly with the results. On a simple Google search of “Alistair Coe light rail Mitchell stop”, I found 67,200 hits. On a simple Google search of “Canberra Liberals light rail Mitchell stop”, I found 254,000 hits. That is a total of 321,200 hits. However, there was no specific mention of the Canberra Liberals advocating for these stops, except for two references in *Hansard*.

What I did find specifically was that on two occasions during committee hearings before the last election—it turned out I was present, Madam Speaker, but I did not recall these two specific questions—Mr Coe did ask about Mitchell light rail stops. I have re-read these two transcripts and I can confirm that Mr Coe on two occasions asked two or three questions about a Mitchell light rail stop. Asking two questions out of a total of 321,200 searches on the Mitchell stops means that he mentioned the Mitchell light rail stop about 0.00000623 per cent of the time.

He also claimed that I misrepresented the position of those opposite by saying that they were nowhere requesting a Mitchell light rail stop in 2013, 2014, 2015 and 2016. I have done these searches—indeed, a number of people have—but I cannot find anything other than the two particular *Hansard* references. If I am mistaken, I would welcome Mr Coe providing that to my office and I will further assess my previous statements. There has been no press release and no public comment in multiple public forums where I can provide clear evidence of the Canberra Liberals requesting a light rail stop in Mitchell.

I did a simple Google search of “Canberra Liberals stop light rail”. Madam Speaker, as you would expect, we came up with hundreds of thousands of hits on that. In fact, the first one to come up was in a Canberra Liberals press release dated 17 May 2016, where it says, in capital letters, no less:

CANBERRA LIBERALS WILL STOP LIGHT RAIL.

Interestingly, in that, there is no mention of a Mitchell stop, but it is very clear:

The Canberra Liberals will stop light rail if elected in October ... We have made our intentions clear and people can vote accordingly.

Madam Speaker, it is very clear that they did that.

I apologise if two questions that were raised in a committee were not referenced by me. I think I am on fairly safe ground to state that the Canberra Liberals did not actively advocate for a light rail stop in Mitchell prior to the 2016 election. Again,

I would welcome Mr Coe providing that evidence to my office, if that is the case, and I will reassess my previous statements.

It is very clear, and I do not think anyone in the community is under any illusion, that the Canberra Liberals were opposed to light rail. They made that very clear, and that was, indeed, their will. In saying yesterday that I did not recall them mentioning it, I could not. I have been reminded of two questions. Again, if Mr Coe would like to provide further information to me, I will assess that and report back to the Assembly.

**MR COE** (Yerrabi—Leader of the Opposition) (3.47): I seek leave to make a personal explanation under standing order 46, please.

**MADAM SPEAKER:** I think leave is granted for that statement.

**MR COE:** Thank you. I think it is important that I respond to what was a pretty unbecoming speech by Ms Fitzharris. She said that we did not raise it in 2013, 2014, 2015 and 2016—“not once” was the quote, “not once”. She was not talking about the Assembly and she was not talking about the committee; she said that not once was it raised. Then she said that we did raise it. And we raised it on several occasions. One is:

Which begs the question, for people who work in Mitchell, how will they access the light rail? Whereabouts and what stop is proposed?

I went on:

Is there a reason there is not another stop like there was originally planned to be in Mitchell to service all the workers?

I went on:

But given Mitchell is a major employment hub, why is there not a stop at Lysaght Street as was the original plan?

On numerous occasions we asked the obvious question: why would you have thousands of people working on the route and not have a stop there? It is crazy, absolutely crazy.

Ms Fitzharris realised last night that actually she was wrong and then came in here and ranted on. If she had said, “You know what? I made a mistake. There were a few references,” and then sat down, that would have been the dignified thing to do. Instead, she comes in here and speaks for five minutes about how, in effect, we did do it but we did not do it. It is pretty unbecoming, and it goes to the amateur way that she runs her office. It takes weeks and weeks to get responses. They do not do Google searches before she makes claims like that. It demonstrates that she is not fit to be Chief Minister when Andrew Barr finally calls it a day.

**MRS KIKKERT** (Ginninderra) (3.49): Madam Speaker, I seek leave to make a personal statement.

**MADAM SPEAKER:** Under standing order 46, thank you, Mrs Kikkert.

**MRS KIKKERT:** Yesterday during a debate between Ms Fitzharris and Andrew Wall the minister mentioned that she had contacted my office many hours before with an amendment to my motion. I would like her to withdraw that comment because she did not contact my office many hours before we appeared here in the chamber to debate that motion; it was, in fact, one hour and 20 minutes before. That is not “many hours” and so I seek for her to withdraw that comment. I would like to put on the record that the Greens, however, received it in the morning, so that is many hours before.

## **Unparliamentary language Statement by Speaker**

**MADAM SPEAKER:** Late yesterday evening Mrs Dunne raised a point of order where she alleged Ms Cheyne was accusing Mrs Kikkert of misleading the Assembly and that she should be requested to withdraw. I undertook to review *Hansard* and come back to the Assembly with a ruling. The uncorrected proof transcript has Ms Cheyne stating:

I suggest to Mrs Kikkert and to Mrs Dunne that instead of attacking Labor Ginninderra government members that we in fact work together, given we are all in furious agreement that something needs to be done with this intersection. And to help with this, I ask, with the greatest respect, that Mrs Kikkert apologise to me and to my Labor colleagues for actively and knowingly misrepresenting our actions.

As stated on page 169 of the companion, whether a particular phrase is offensive or disorderly depends on the context in which it is used, and an expression acceptable in one context may be unacceptable in another. I note that Ms Cheyne did not use the word “mislead”. Having regard to the tone and the context of the remarks, I do not consider that the phrase used by Ms Cheyne on this occasion needs to be withdrawn.

I also add that the *House of Representatives Practice*, which we are linked to by standing order 275, provides that any request for withdrawal of a remark must come from the member concerned, if present, and that any request must be made at the time the remark was made. I suggest that if we follow that practice these matters can be dealt with in an orderly fashion at the time they occur.

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

**MADAM SPEAKER:** Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure. Standing order 16 requires the committee in each term to inquire into and report on the operation of the standing orders and continuing resolutions of the Assembly with a view to ensuring that the practices and procedures of the Assembly remain relevant and reflect practice. At its meeting on Monday, 12 February 2018 the committee

agreed to commence its review, and the committee has adopted the proposed timetable.

In late February we will arrange for the inquiry to be advertised in the press and for the following parties to be written to: all current members; all former members of the Eighth Assembly; all former chief ministers and speakers; the Labor Party, the Liberal Party and the Greens; representatives of media organisations that cover the Assembly; union and business representatives in the territory; the Law Society; ACTCOSS; and any other relevant parties.

The submission deadline will be 11 May this year. In July or August of this year there will be public hearings, if necessary, and the committee will report in the August sittings. As I have said many times from this chair, I encourage all members to reflect on the standing orders and to contribute to the conduct of the inquiry.

## Papers

**Madam Speaker** presented the following papers:

Auditor-General Act, pursuant to subsection 17(4)—Auditor-General’s Report No 3/2018—Tender for the sale of Block 30 (formerly Block 20) Section 34 Dickson, dated 21 February 2018.

Executive area of the Legislative Assembly Building—Control and management—Agreement between the Speaker and the Chief Minister, dated 23 January and 5 February 2018.

## Environment and Transport and City Services—Standing Committee Report 2—government response

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.54): For the information of members, I present the following paper:

Environment and Transport and City Services—Standing Committee—Report 2—*Planning, management and delivery of road maintenance in the ACT*—Government response.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## Planning and Urban Renewal—Standing Committee Report 2—government response

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land

Management and Minister for Urban Renewal) (3.55): For the information of members, I present the following paper:

Planning and Urban Renewal—Standing Committee—Report 2—*Inquiry into Billboards*—Government response.

I move:

That the Assembly take note of the paper.

I am pleased to table the government response to the Standing Committee on Planning and Urban Renewal report No 2 on the inquiry into billboards. The key recommendation of the standing committee's report is that the government review the relevant legislation, regulations and government policies relating to outdoor advertising signage in the ACT. An interdirectorate working group will be established in the coming months to commence this review and determine an appropriate approach for regulatory reform for outdoor advertising signage.

**MS LE COUTEUR** (Murrumbidgee) (3.56): I am very pleased to hear there will eventually be a review of the billboard legislation. When we do this, it is really important that we seriously take on board the views of the ACT community, because they have made them fairly clear. Recently some work was done with a market research group, and they found that nine out of 10 people wanted to keep Canberra billboard free and eight of out 10 thought that Canberra was a much better place because it does not have billboards.

As the minister mentioned, he was responding to a report of the planning committee. In our inquiry we had 166 submissions and only six of them supported more billboards. There was also a petition where 780 people all opposed billboards in the ACT.

I suggest that the government should first off enforce the current laws on billboards. Many billboards in the ACT appear to be larger than should be approved or probably were not approved in the first place. Secondly, as the minister alluded to, the government should review the current Territory Plan, with the aim of implementing the will of the community—to reduce the possible size of billboards and close the loopholes.

Thirdly, something the government could do very quickly is stop having full wrap covers over buses. Those who do not catch buses may not be aware of how much of a problem it is. On some of those buses—like the one which I will admit is very pretty, the rainbow coloured one—the wrap goes right over the windows. Particularly at night—and in the winter we are all going home at night—you cannot see out of the windows very well and it is really easy to not get off at the right stop, which is a pain, to put it mildly. I speak, unfortunately, from experience. It is also a safety issue: I know bus drivers have reported that if they are driving a full wrap bus they cannot see out of the windows, so it is very hard for them to see if there is someone racing to the bus or if someone has tripped or had an issue on the way off the bus. I am glad to

hear the government will be doing something. I call upon the government to listen to the community, act quickly and reduce the billboards in the ACT.

Question resolved in the affirmative.

## **Road safety report card—2018 Paper and statement by minister**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (3.59): For the information of members, I present the following paper:

ACT Road Safety Strategy 2011-2020—Road Safety Report Card 2018.

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

Leave granted.

**MR RATTENBURY:** I present the 2018 ACT road safety report card. This report card is intended to provide information to the public on ACT government responses to road safety and the implementation of the national and jurisdictional road safety strategies. This report card includes a summary of the government's key road safety achievements over the past 12 months, an update of the implementation status of the government's road safety commitments and the ACT's statistical measures of progress, including ACT reporting against the national road safety performance indicators.

The commitments made by the ACT government on road safety are summarised in the four appendices at the back of the report card. They include: the road safety action plan 2016-20; the agreed recommendations arising from the Legislative Assembly inquiry into vulnerable road users; the agreed recommendations from the ACT Auditor-General's audit report on speed cameras in the ACT; and the action items from the ACT road safety camera strategy. A total of 93 commitments were made by this government in the four areas I just mentioned. Sixty-one of these commitments are complete and another 21 commitments are either well advanced or progressing well.

The implementation of these recommendations and the government's commitment to road safety has helped us achieve a reduction in fatalities on ACT roads. In 2016 the number of deaths resulting from road crashes decreased by over 25 per cent, from 15 to 11, and the number of deaths per 10,000 registered vehicles in 2016 decreased by 32 per cent compared to 2015, from 0.37 down to 0.25.

I will briefly highlight some of the key road safety achievements for 2016. The government opened two learn-to-ride centres, one in March, in Tuggeranong, and one in June, in Belconnen. These centres are designed for children from preschool to year 4 and provide a fun environment where kids can learn all the basics of road safety, from how to safely cross the road through to independent and confident riding

on their own bikes. The centres have a look and feel of the real road environment, with child-size roads and pedestrian crossings built around footpaths making this an ideal learning environment for schools, families and, in fact, the whole community. They provide a practical way to educate cyclists at an early age while promoting the health and environmental benefits of active travel.

The ACT government partnered with Safer Australian Roads and Highways, or SARA, to promote National Road Safety Week in May with a display of large yellow floral wreaths on four ACT roads with the highest collision rates. The wreaths were used as a reminder to all Canberrans of the significant physical, emotional and financial impact road trauma has on our community.

The ACT government has promoted the Australasian new car assessment program—better known as ANCAP—safety rating on new cars targeted at younger and older drivers. In July two ANCAP crash test cars—one a five-star-rated vehicle and the other a zero-star-rated car—were on display at St Mary MacKillop College, demonstrating the difference in damage caused to each vehicle in a head-on collision. Following the success of this first launch, the display was repeated in Garema Place in November 2017.

There are also a number of evaluations completed and underway, such as the recent motorcycle lane filtering trial and the road safety camera program. The two-year trial of motorcycle lane filtering was completed in February 2017. The conditions of the trial are still in place while the working group considers the outcomes of an evaluation to make recommendations to me on how it believes we should proceed.

An evaluation of the ACT road safety camera program is currently underway to assess the impact of the ACT's mobile road safety camera program and point-to-point camera program on reducing crashes and speed. The evaluation will also identify any changes in community attitudes towards speeding and road safety camera enforcement and provide advice on strategic management of the camera program.

In December the 2017 ACT road safety forum was held in conjunction with the Australasian College of Road Safety. The forum discussed ways to achieve vision zero in the ACT through the safe systems approach to road network planning, design and maintenance. Associate Professor Jeremy Woolley, Director of the Centre for Automotive Safety Research at the University of Adelaide, provided an overview of the core elements of the safe systems approach to attendees representing various government directorates and other stakeholders. This was followed by a hypothetical discussion of what the ACT road network would look like in 2050 if we fully realised safe system design across the ACT road network in order to achieve vision zero.

As part of my commitment towards vision zero I will soon be issuing a discussion paper on the ACT graduated driver licensing scheme. I want to hear the ACT public's opinion on changes to the current ACT graduated driver licensing scheme so that we may bring the current ACT scheme in line with the national framework and provide for more robust and effective road safety reforms for our young people. I am confident that bringing the ACT graduated driver licensing scheme in line with the

national framework will prove, as it has in other jurisdictions, to significantly reduce the prevalence and severity of road trauma involving our youth.

Also in December, the government announced the recipients of the road safety grants program as part of the 2017 ACT road safety community grants program. Seven successful applicants will share in nearly \$320,000 to deliver projects across areas of training, education and awareness programs. These projects continue to demonstrate our commitment to maintaining a lower number of fatalities per capita than the national average, with a target of zero road deaths.

Our vision of no deaths on ACT roads is unfortunately at least a year away now, with two lives lost on ACT roads already this year. Many of the deaths we see on our roads are preventable. Members may have seen this year that the ACT government has strongly promoted a message to the community to stop speeding. It is one of the simplest measures the community can take, yet Canberrans continue to speed and to endanger themselves and others. As a community we should not have to endure the heartbreak associated with road trauma. To avoid it, we must share the responsibility for road safety and all strive for vision zero.

## **Gungahlin strategic assessment Papers and statement by minister**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (4.06): For the information of members, I present the following papers:

Gungahlin Strategic Assessment—

Independent Audit, dated November 2017, prepared by the Commissioner for Sustainability and the Environment, and NGH Environmental.

Responses to the Corrective Action Requests, dated 31 January 2018.

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

Leave granted.

**MR RATTENBURY:** I am pleased to table the first independent compliance audit of the Gungahlin strategic assessment biodiversity plan undertaken by the Commissioner for Sustainability and the Environment, as well as a number of related papers.

The purpose of the audit is to independently verify progress against the strategic assessment commitments between the ACT and commonwealth governments. These agreed commitments formed the conditions of approval for the Gungahlin development. The commitments relate to the development of Kenny, Kinlyside, Throsby, Moncrieff, Jacka (north), Taylor, and the Gungahlin town centre (east). The commitments are to be delivered over a 20-year period, with an independent audit by the commissioner every five years.

It is important to note that this is the first independent compliance audit of a strategic assessment in Australia under the Environment Protection and Biodiversity Conservation Act 1999. The audit was required by the commonwealth to be completed by 20 December 2017. The time line was met by the Commissioner for Sustainability and the Environment. The audit was submitted to the ACT government on 20 November 2017 for transmission to the commonwealth by that date.

Strategic assessment audits are intended to assist us to protect biodiversity in the development of our city. In June 2016 the then Minister for the Environment and Climate Change, Mr Simon Corbell, directed the commissioner to undertake this audit, pursuant to sections 12(1)(b) and 21(1)(a) of the Commissioner for Sustainability and the Environment Act 1993. I received a copy of this report on 15 December 2017, under section 21 of the act. As the minister responsible for reports undertaken by the commissioner, I am tabling this report within the required six sitting days of receipt of the report.

In this audit the commissioner acknowledged the opportunities and challenges associated with strategic assessments. The audit was undertaken in accordance with the commonwealth's *Independent Audit and Audit Report Guidelines 2015*, which establish strict requirements for compliance audits and the auditors.

The audit concluded the status of the 39 strategic assessment commitments as follows, and these are detailed on page 37 of the report: 14 were compliant, 13 were non-compliant, five were compliant with an observation, two were undetermined and five were not applicable. Many of the non-compliant commitments were in relation to late delivery of reports and outcomes or inadequate records being provided to the auditors. The commissioner applied a risk rating to commitments to ensure that effort is placed on the most critical elements. Compliance regarding five commitments was assessed as high to very high risk.

Five corrective action requests were issued to the ACT government. Relevant agencies have been required to undertake action to eliminate the cause of non-compliance, reduce risks associated with the non-compliance or prevent the non-compliance from recurring. I am pleased to advise that agencies have provided responses to all five of the corrective action requests in accordance with established time frames.

This independent compliance audit was finalised in consultation with the ACT government, and coordinated by the impact assessment team in the Environment, Planning and Sustainable Development Directorate. The commissioner has provided eight recommendations for government to consider in the ongoing implementation of the Gungahlin strategic assessment, and these are outlined on page 64. In summary, there is an opportunity for the ACT to improve its approach to this strategic assessment. Although in general it appears that adequate progress is being made against the conditions of approval, there is a need to maintain our efforts for another 15 years and beyond.

The government will respond to the audit findings, which will be led by Minister Gentleman, as these matters fall within his portfolio as minister for the environment and land management. I commend the independent audit of the Gungahlin strategic assessment to the Assembly.

### **Implementation status report on ACT government's climate change policy—government response Paper and statement by minister**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (4.10): For the information of members I present the following paper:

ACT Government's Climate Change Policy—Implementation status report—  
Government response.

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

Leave granted.

**MR RATTENBURY:** I am pleased to table the 2018 ACT government's response to the 2017 implementation status report on the ACT government's climate change policy—action plan 2, prepared by the Office of the Commissioner for Sustainability and the Environment. To maintain accountability and transparency, every three years the government invites this independent audit of government action on climate change, presents the findings to the Assembly and provides a statement of government response to any recommendations made.

In February 2017 I invited the office of the commissioner to audit and report by 30 September 2017 on the status of actions under AP2. The office of the commissioner reported on whether actions are completed, ongoing, modified or subsumed through separate policy mechanisms. The office also reported on how the territory is tracking on greenhouse gas emissions reduction, and towards our greenhouse gas reduction targets.

I received a copy of this report on 15 September 2017, which I tabled in the Assembly on 26 October 2017. Under section 21 of the Commissioner for Sustainability and the Environment Act 1993, as the responsible minister I am tabling this statement of government response to the recommendations in the report within the required six months of receipt.

I would like to thank Professor Kate Auty, the commissioner, and her office for the work they have done on this audit. The audit was positive, and it found that “the ACT government's continued commitment to addressing climate change has ensured the implementation of the 18 actions”. It acknowledged the complexity of a number of actions and determined that six actions are completed, eight are ongoing, one has been modified and one has been subsumed by other work.

The office added a fifth status category to those requested in the terms of reference, a category called “of concern”. The report identifies two actions as being of concern—action 3, energy efficiency information to tenants, and action 5, community engagement strategy. The office has provided suggestions on how these actions may be modified to address the issues of energy efficiency in rental homes and communication between the ACT government and members of the community whom we serve. We will consider these suggestions in the development of our climate change policies.

The government acknowledges the findings of the audit and supports the continual improvement of policy development and implementation to ensure that the ACT maintains its momentum and remains at the leading edge of policy for climate change mitigation and adaptation. Of the report’s 17 recommendations, the government agrees to 16 and notes one. I will highlight some of the recommendations and the government’s response.

The report notes that transport is the biggest climate change mitigation challenge for the territory and it recommends significant commitment to policy development, action and targets to ensure the ACT continues its reputation as a climate change policy leader and driver of change. The government agrees with this recommendation. Our emissions modelling to 2050 demonstrates the major contribution of transport emissions and shows that a reduction requires adjustments to mode share trends, vehicle occupancy, trip length and the fuel type of our transport network. The government raised this issue with the community in its ACT climate strategy to a net zero emissions territory discussion paper December 2017, with a view to including mitigation measures to reduce emissions from transport in the next climate strategy for the ACT. The government, through Minister Fitzharris, is also developing the next transport for Canberra strategy concurrently.

The government agrees with the recommendation that addressing and adapting to climate change is a key priority for how we deliver services in the territory, and this needs to be backed up with consistent and significant funding.

The government also agrees with the commissioner’s finding that community engagement in discussions about climate change policy is fundamental to effective interventions in respect of mitigation and adaptation. Public consultation is currently underway in the development of our next climate change strategy. Further to this, I have established a climate change ministerial advisory group as an additional way for community organisations and businesses to provide me with direct input from their sectors and member groups as the climate change pathway to zero net emissions policy is developed. The members of this group will also be another way for the government to communicate with their respective organisations.

I am pleased to also report that changes are already underway within my directorate to better document our greenhouse gas accounting processes in response to several of the recommendations of this report.

Recommendation 12 of the commissioner's report asks the government to identify energy productivity and/or efficiency targets in conjunction with emissions reduction targets at five to 10-year interval, out to 2050, to optimise sustainability outcomes. The government has noted this recommendation. The Climate Change and Greenhouse Gas Reduction Act 2010 already includes a section to develop per person energy efficiency targets, in section 10. In 2016 an operational review of the act noted that the development of the Energy Efficiency (Cost of Living) Improvement Act supersedes the need for energy efficiency targets to be set as part of the act. This act sets various energy efficiency targets across the territory, including the priority household target to assist those in the community most vulnerable to cost increases in energy. However, this is an issue we may reassess in future years, should the need arise.

Once again, I thank the commissioner and her office for the hard work involved in preparing the implementation status report. I would also like to thank the local experts who contributed their knowledge to the expert commentary and case studies that are also published within the report. We are proud to have so many experts residing and working in the Canberra region and to be able to showcase their work in the commissioner's document.

I am pleased with the achievements made through the implementation of action plan 2 since its release in 2012. I look forward to continuing to update the Assembly on how the ACT can continue to embrace the challenge of climate change and, through action, demonstrate ongoing leadership to communities locally, nationally and internationally. I commend the statement of government response to the implementation status report on the ACT government's climate change policy to the Assembly.

## **Health system**

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

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

The importance of fixing the ongoing problems with the ACT public health system.

**MRS DUNNE** (Ginninderra) (4.17): I have broken the drought. It is at least six years, according to my staff, since I have presented an MPI. For four of those years I was the Speaker and not presenting matters of public importance, but it is a long time since I have raised an issue. I am pleased that I have broken the drought with such an important issue as fixing the ongoing problems in the ACT public health system.

It may have taken me six years to do this, but this is a 16-year-long mess. It has taken that long to develop and it will take years to fix effectively. Indeed, there are parts of the healthcare system that can be described as Dickensian. There are several issues that have led to the current problems in our health system. These include poor data, poor planning, old facilities, poor culture and poor leadership.

When there was leadership in health in 2008, the then minister for health, Ms Gallagher, warned of a “health tsunami”—I think I became bored with hearing Ms Gallagher speak about the health tsunami—that would be arriving in Canberra by 2016. This health tsunami of chronic illnesses has arrived and this government is not ready for it.

There are a number of important issues that show the ACT is not ready for the forecast health tsunami. These include long and growing waiting lists for elective surgery in some outpatient clinics; Canberra Hospital being at the highest level of alert for three months continuously in July, August and September, with reports of patients on trolleys at this time; the Canberra Hospital adult mental health unit being at, above or near 100 per cent capacity during 2016-17; and staff shortages in specialist areas. For example, we are having trouble attracting urologists after the downgrading of urology accreditation.

Despite the government tripling health expenditure over the last 10 years or so, the number of patients receiving access to public hospital services in Canberra is not rising at the same rate and many people are falling behind. This is shown by the data relating to elective surgery and emergency waiting times in the *Report on government services 2018*. As we all know, we have not seen quarterly performance reports for September and December last year or for the previous two years or more. But the evidence we have seen suggests that our health system worsened in the last half of last year, considering the time for which the hospital was on stage 3 alert.

Poor data leads to poor planning, which leads to poor outcomes. For the past decade the ACT government and health department have been beset with data scandals and poor data. The problems that this leads to are shown by the maternity services. The ACT government has announced that it plans to spend \$70 million on upgrading the Centenary Hospital for Women and Children, but we would not have needed to spend that money if the planning had been undertaken in the first place.

As I alluded to last week, at the time of the announcement of the Centenary Hospital for Women and Children, before it was even named the Centenary hospital, the then minister for health made a point of saying that there was not one new bed in the space, that what they were doing was replicating the number of beds already available in the hospital and that they were putting it in a better facility with better circulation space.

The government clearly failed to plan for new beds. Now the Centenary hospital has been open for five years it has become a chronic problem. The number of babies born in Canberra has surged by 24 per cent between 2010-11 and 2014-15. In 2016 Ms Jenny Miragaya, the then head of the ACT branch of the Australian Nursing and Midwifery Federation, raised concerns about the staff of the Centenary hospital

being overworked. In September last year, members of a Canberra expectant mothers Facebook group put out this advice: “Don’t go into labour today, girls. Cross your legs if you have to. It is a madhouse at TCH.”

Another woman advised that antenatal, postnatal and delivery were all full and that there were three people labouring in the waiting area. This is all because there was not sufficient planning in the building of the Centenary Hospital for Women and Children. Last Friday the government announced with great fanfare that it will be spending \$2.6 million to upgrade maternity facilities at Calvary hospital.

I do not begrudge Calvary hospital these much-needed upgrades. I had two of my children at Calvary hospital more than 20 years ago. The last time I visited, there had not been a visible upgrade since the last time I had a child at Calvary hospital. The improvements to maternity facilities at Calvary are welcome, but it is sobering that all these improvements will result in a net three additional beds.

Does the minister for health seriously believe that three additional beds will be sufficient to meet the demands of the growing populations of Gungahlin, Belconnen, the inner north and the new district of Ginninderry? I had hoped that the minister for health would have learned from the problems at the hospital for women and children, but she seems not to have.

The minister and the government constantly refer to the surgical procedures, interventional radiology and emergency centre at the Canberra Hospital, known as SPIRE. It is going to have to get a better name. This facility will not be operational until 2020 at the earliest and may not be delivered until 2023 or even later. There is no time frame for the opening of this. The government keep talking about what they are going to do, but they have no time frame. This is a problem.

As Mr Hanson has eloquently pointed out during his tenure as the shadow minister for health, we need new hospital buildings on the Woden campus now, and we should be in the process of building them. But, as we all know, the ACT government in 2012 abandoned plans for the rebuilding of building 3 in favour of plans for the light rail. If the government had been serious about planning for the future, we would have had these facilities now, or they would at least be well underway. Then we would not be waiting another five or six years at the very least.

The Canberra Liberals, as I have said, would have been well on the way to refurbishing building 3 and addressing the issues of what to do with the tower block. While we are waiting for the government to finally upgrade facilities at the Canberra Hospital, it is obvious that the Canberra Hospital and other parts of the health system are in a poor state of repair.

In late 2015 consultants from AECOM advised that there were four extreme risks and 196 high risks in our health system. The cost of repairing the faults identified by AECOM is reported to be \$96 million, including \$40 million to fix the extreme and high risks. As we all know, all of the extreme risks were at the Canberra Hospital and most of the high risks are there as well.

In the case of the hospital switchboard, the program for repair will not be finished until 2019. All members will recall the fire, the 60 patients who were evacuated and the cancellation of elective surgery that happened in that place in April last year. These chaotic scenes would not have occurred if the government had maintained the hospital properly and acted appropriately.

I will quote from the *Canberra Times* this week:

Now we have a situation where workers are frustrated at the conditions in which they have to work, angry at the way they have been treated, and concerned about their own health and safety.

They also had concerns about the dilapidated, sloppy and unclean circumstances of their tearoom. It shows quite clearly the Dickensian decay in parts of the hospital.

In 2014 the urology department at the Canberra Hospital lost its accreditation due to poor staff culture. At the time the hospital said that the removal of the accreditation would not impact on clinical care. How wrong could they be? As we saw earlier this month, a disability pensioner has had to wait for nearly five years to see a urologist because there was a chronic shortage of specialists. That was the wait to get on a list to be treated. We do not know how long she will have to wait to actually get services. As a result, she has had to scrimp and save to pay for the procedure in the private sector because she cannot wait for five years in the public system. If a disability pensioner has to fund the cost of a private operation out of her own money because of the long wait, this clearly is a Dickensian situation.

Madam Assistant Speaker, my speaking time is about to expire. There is a long list of things that are wrong with the Canberra Hospital system. My colleagues Ms Lee and Mr Milligan will also speak on this matter because it is of prime importance to the people of the ACT and the Canberra Liberals.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.27): I am pleased that such an important subject is being discussed today, but I disagree with the way Mrs Dunne has framed this, both in the title of the MPI and in many aspects of her speech.

What I would like to talk about is what indeed is going very well in the ACT public health system and what is improving, and outline once again that we have an exceptionally high quality health system here. We have wonderful people working within it, and we have thousands of members of our community receiving this high quality care every day. They know that they can trust our health system. They trust it every day. They receive treatment in it every day, whether that is planned or unplanned, and while there will always be ways to improve, and always things that we can do better, I am very confident that the ACT community is very well serviced by its public health system.

One of the reasons that we know that the ACT government's policies, funding and programs are having a positive impact on our community is a very clear indication that our community is a healthy one—indeed one of the healthiest in the country. When Canberrans do get sick, they have access to a world-class health system to help them get better.

As I stated last week, we have the highest life expectancy in the country and the lowest smoking rates. Canberra children have some of the lowest rates of obesity in the world—something that I am particularly proud of, because most other jurisdictions are heading in the opposite direction. This is something that is a high priority for me, not only in my health portfolio but also in my transport portfolio.

We have very high rates—indeed one of the highest rates—of participation by women in BreastScreen Australia. We have made significant gains over the last seven or eight years, particularly in younger Canberra women, and it is great to see that these prevention messages are cutting through. We lead the nation in immunisation coverage. On that note, I am very pleased to see the rollout of the meningococcal W vaccination for free for all year 10 students in Canberra, and the catch-up program for all 16 to 19-year-olds in the ACT as well.

We had the lowest incidence of all cancers except cervical cancer compared to national figures in 2014. We have a high rate of nurses, midwives and medical practitioners. The number of hospital beds in the ACT between 2011 and 2012 and 2015 and 2016 increased by 17.8 per cent—indeed, the opposite of what Mrs Dunne has just reported. There has been a nearly 18 per cent increase in the number of hospital beds, and the rate of available beds in 2015-16 was higher than that observed nationally.

We will continue to invest in our health system. We will continue to promote healthy lifestyles and expand existing health services and prevention programs, and build new health infrastructure, to make sure that Canberrans stay healthy and well. Since 2014-15 the government has committed \$7 million to the healthy weight initiative and another \$4 million in this year's budget for more prevention initiatives. In last year's budget we delivered \$443 million in new investments, building on the \$1.6 billion the ACT government already invests in the health care and wellbeing of Canberrans each year.

I note that the opposition has been fond of repeating the *Canberra Times* headlines that were present on the day that the *Report on government services* came out—that we have tripled our spending in health. We are proud of that. We are proud that this Labor government continues to invest in our health system.

Indeed one of those investments, the new University of Canberra hospital, which a number of us were able to visit this week, opens midway through this year. It is Canberra's first dedicated rehabilitation hospital, focused on rehabilitation, recovery and research. It is a major milestone for better health care in the ACT and marks the culmination of almost seven years of planning and construction work. It has been designed and purpose-built to support high quality health care with state-of-the-art

technology and innovative therapy spaces. The hospital is on track to open in mid-2018 and we very much look forward to welcoming many Canberrans through its doors.

It is clear that there is really only one side of this chamber that is committed to investing in the health infrastructure and services that our city needs. Just some of the new initiatives in this year's budget include new walk-in centres for Gungahlin, on which I look forward to turning the sod tomorrow, and upgrades to the acute aged-care ward at Canberra Hospital, which I had the pleasure of visiting earlier this year. It is a wonderful new space co-designed by practitioners with community organisations, patients and their families—a wonderful example of the terrific work that ACT Health is doing to upgrade existing facilities. Work is now underway on the oncology ward at Canberra Hospital. Both of these together will deliver even better patient care. We have work well underway for the planning and scoping of the major surgical procedures, interventional radiology and emergency centre at Canberra Hospital, a major investment in our future health needs.

We are expanding the Centenary Hospital for Women and Children, which includes not only expanding existing beds but providing new services. Indeed, it is expanding to meet growing demand, but it is also providing new services—importantly, an inpatient child and adolescent mental health unit. That is a new initiative that is included in the Centenary Hospital for Women and Children and is something that the government is rightly proud of making an investment in.

We continue to plan for the expansion of further health needs on the north side of Canberra, and we are very pleased to be working with Winnunga Nimmityjah to build a new health centre for Aboriginal and Torres Strait Islander Canberrans. We are delivering on our commitments, and I have been very proud to see great improvements and changes within ACT Health over the past 18 months.

On the issue of waiting times in both elective surgery and emergency departments, it is clear that we are making improvements but we need to do better. We have a unique mix of hospitals here in the ACT that were certainly represented in the recent ROGS report. We have seen a significant increase in demand over the past 12 months.

The ED has implemented a number of strategies in the past two years to improve patient flow, with an expanded department with new staff. Further work is also being done to improve the median wait times, which over the last few years have reduced by one-third, from 44 to 30 minutes, the largest improvement in the country in our emergency departments.

We have diversion strategies in place to reduce non-urgent presentations to our EDs, which is showing that the government's focus on providing the right care in the right settings is starting to work. We also recently invested, through the midyear budget review, in additional elective surgery so that we can bring down waiting times for elective surgery—including all surgeries but especially elective surgery—investing an additional \$6.4 million to help patients access treatment within the recommended time frames. This will help ACT Health to achieve over 13,000 elective surgery procedures. Getting on top of our waiting lists is a priority.

All of this great work is also happening while the territory-wide health services framework is being developed. This is a very exciting initiative that I have spoken about on a number of occasions in the chamber, and I look forward to that work continuing and being guided by ACT Health staff, our many stakeholders throughout the city, and, of course, the important advisory group.

Prevention is also a key focus for me. Ultimately, keeping people well, preventing them from being in hospital in the first place, is a priority. We have demonstrated this commitment over many years, and more recently in last year's budget, with \$4 million to be invested in a number of preventive health programs, including our efforts to make Canberra a centre of excellence for preventive health. We have invested \$150,000 with the University of Canberra to develop a "living lab" to promote healthy and active living.

Madam Deputy Speaker, I will close by referring to a number of significant achievements by ACT Health and this government. Indeed, over the last few months alone, we have opened grants for GPs who bulk-bill in the Tuggeranong and Molonglo valleys. We did, as you noted, provide a significant upgrade to Calvary Public Hospital maternity wards, because we have seen over past years, since the opening of Centenary, more women choosing to give birth at Centenary hospital, largely because of the facilities there and the provision particularly of single rooms. I am very pleased to see an increase in the number of single rooms at Calvary to assist the wonderful staff there—the wonderful nurses, midwives and doctors—to help women across our city to have their babies.

We have welcomed 95 new medical interns this week. There are new guidelines for opioid maintenance. Today I provided the final quarterly report on the system-wide data review, which has progressed very well, and I very much look forward to that concluding late next month. I thank Mrs Dunne for bringing forward this motion today. It is important that we have an excellent healthcare system in the ACT, and I am confident that we do. (*Time expired.*)

**MS LEE** (Kurrajong) (4.38): The importance of fixing the ongoing problems with the ACT public health system, as you raised, Madam Deputy Speaker, should be the highest priority of Minister Fitzharris and Minister Rattenbury. I thank you, Madam Deputy Speaker, for submitting this very important topic for discussion today to give me an opportunity to speak about the issues in the area of mental health, particularly in our schools.

As shadow minister for education, and as a former educator who has researched at law school the area of teacher and student wellbeing, I am only too conscious of the burden of mental health issues that affect our teachers and students. Only this week it was concerning to hear the findings of the principal health report that more than half of Canberra principals reported stress and almost 60 per cent experienced sleeping issues and burnout.

Only last month, Ms Loretta Wholley, the principal of Merici College, commented that boosted federal funding on youth mental health, while welcome, would not fix the

problem because, and I quote, “We have not tackled the idea of having effective services working collaboratively together”.

Many members would be aware of Ms Wholley’s and other principals’ passionate advocacy for joined up and responsive mental health services to support schools in the front line addressing youth mental health. Canberra’s principals, as well as the young people in our city and their families, are still waiting for those joined-up services. This problem has not been addressed by Minister Rattenbury.

Despite budget funding, progress on the child and adolescent mental health facility has been glacially slow. Last week you, Madam Deputy Speaker, and our colleague Mrs Kikkert spoke in the Assembly about specific cases where our vulnerable young people were forced interstate at a huge cost to their families to obtain services that are not provided here. When those people return to the ACT they cannot always find appropriate services to meet their ongoing needs. The shortcomings in the mental health system become huge chasms which are unnavigable in the haze and anxiety caused by mental health issues.

One of the problems that Minister Rattenbury has to tackle is inadequate facilities that cannot meet the demand. Only last week we heard the minister admit that last year the adult mental health unit was operating at 105 per cent for lengthy periods. This, combined with a chronic lack of mental health specialists such as psychologists, psychiatrists and mental health nurses, means that we cannot effectively meet the demand for acute mental health services.

Here are some of the things that ROGS 2018 had to say about the state of mental health services in the ACT: in 2015-16, the ACT had the highest proportion of people in Australia using specialised public mental health services. But, at the same time, failures in health data meant that we could not publish data on the proportion of people who had a significant improvement in their clinical mental health outcomes who were discharged from the public hospital psychiatric inpatient unit.

To put it simply, Madam Deputy Speaker, we do not have enough data to tell if we are doing a good job. The ROGS data also shows a severe decline in the provision of acute mental health services. Over the last 10 years the number of patient days per 1,000 people for admitted acute mental health care has been increasing. It went from 48.5 to 64.9, an increase of more than 30 per cent. However, the number of beds per 100,000 people has actually fallen from 20.7 to 18.6, a fall of 17 per cent.

On the upside, the number of full-time equivalent direct care staff per 100,000 people has risen marginally, from 28.2 to 32.7, up 16 per cent. Our staff numbers, however, remain well below the national average, which stood at a little over 50 per cent.

Minister Rattenbury likes to deflect these issues by saying that not all services should be delivered in an acute environment and that we have a great system of community care. Yes, Madam Deputy Speaker, we do punch above our weight when it comes to community care. The ROGS data shows that. But we are clearly lagging at the acute end and no amount of deflection will disguise that or fix the problem. Last week’s admission from Minister Rattenbury about the acute mental health unit operating at

105 per cent shows the extent of that problem. It will not be fixed by a rhetorical pivot. Under Minister Rattenbury, acute mental health patients clearly have limited access to treatment.

Minister Rattenbury is hanging his hat on the much promised and long-awaited office for mental health. He assured the *Canberra Times* that it would be worth the wait. I hope that this is not just another example we see often from this Labor-Greens government of over-promising and underdelivering.

**MR STEEL** (Murrumbidgee) (4.43): Canberra is one of the healthiest cities in Australia, and when Canberrans do get sick they have access to a world-class health system to help them get well. I think that Canberrans understand that they have access to some of the best quality health care in the country provided by the ACT government. The minister mentioned fantastic maternity services but I also get quite a lot of feedback about our fantastic emergency department, particularly at the Canberra Hospital.

However, as our city grows it is critical that the government continue to invest in and improve our public health system to provide affordable access to quality health care when it is needed. Our Labor government has a comprehensive health plan to invest in the health of Canberrans and to meet the pressures that a health system can understandably experience when there are an additional 7,000 people living in the ACT every year.

That was the major theme of the election. The city is growing and we have in the budget last year delivered on the rollout of the comprehensive health plan that we took to the election, and we will continue to do so in future budgets. This will provide support for more bulk-billing GPs, new walk-in centres in Gungahlin and the Weston Creek region, the new SPIRE centre at the Canberra Hospital, the extension of the Centenary Hospital for Women and Children and investment in a new adolescent mental health unit.

The establishment of the University of Canberra hospital with a specialist centre for rehabilitation, recovery and research, which I was delighted to be able to visit this week, will, beyond the middle of this year, start providing much-needed subacute services to the ACT community.

One of the major policy areas that we are investing in as part of our health plan is preventative health. Today I want to focus my remarks on preventative health, which is a top priority for the ACT government and an area where we need to continue to invest strongly to support our health system.

Canberrans are some of the healthiest people in the country. Last week, when speaking to Ms Cheyne's motion, I spoke about the Productivity Commission's recent *Report on Government Services*. Residents in the ACT are shown in that report to have the highest life expectancies in the country, with a higher life expectancy for males, who live nearly a year longer than the national average—81.3 years against the national average of 80.4 years, and females living 85.2 years, against the national average of 84.6 years of age.

The ACT has the lowest mortality rate in the country. It is the only jurisdiction with a mortality rate below 500 deaths per 100,000 population. Our smoking rates have been decreasing due to ACT government initiatives and other joint initiatives tackling smoking. Our children have the equal lowest rate of obesity in the country. Our Indigenous community in the ACT is doing better, with the risk of long-term harm from alcohol decreasing as well.

The ACT also has a lower incidence of cancers, except for cervical cancer, compared to the national figures. We know there are areas where we can improve when it comes to health but we are heading in the right direction across many indicators. This ROGS report shows that Canberra is one of the healthiest cities in the nation.

Medical science has long illustrated that there is an unequivocal link between conditions such as stroke, lung disease, type 2 diabetes, some cancers and risk factors such as physical inactivity, obesity, poor nutrition, harmful alcohol consumption and smoking. To ensure that we continue to improve our health system it is important that Canberrans understand and actively consider these risks and that our government is actively encouraging healthier lifestyles to help build awareness and support them on this journey.

We all know that living a healthy lifestyle provides immense benefits, not only for individuals but for our health system as well. It helps our health system to be more sustainable. The health of our Canberran population is a priority for this Labor government. One of the best ways to make our health system more sustainable is through addressing issues that arise from preventable illnesses. Our government understands this and we are making an effort to reduce key risk factors present, not only to make Canberrans healthier but also to reduce the pressures on our health system.

I am very pleased to be part of a government that is making the ACT a national leader on preventative health. I attended the preventative health forum in April last year. It brought together organisations and individuals to share experience and knowledge to inform the development of the ACT government's preventative health strategy.

In the budget the ACT government invested \$4 million over the next four years to invest in initiatives to support the new preventative health strategy. This will build on the significant investments and prevention work already being achieved through the healthy weight initiative to address rising obesity levels in the ACT. The preventative health strategy will align with the ongoing work to develop a new territory-wide health services framework that the minister has mentioned. We will also continue to work with participants who were at the forum in April, and interested organisations, as we continue to work on the development of the strategy. As the development of the preventative health strategy continues, we still have many initiatives that we have in place to support preventative health.

For example, as a government we are investing \$2.7 million in the health promotion grants for initiatives that aim to improve the health of the ACT population. We provide grants to community-based organisations, through the healthy Canberra

grants and the health promotion innovation fund. Both funding opportunities support programs and projects that improve population health outcomes in our primary focus areas, which are: supporting healthy ageing, reducing smoking-related harm, reducing alcohol-related harm, reducing overweight and obesity through improving eating habits and increasing physical activity.

Despite the healthy choices of many Canberrans, our health system is not immune from the challenge of chronic disease and our government recognises the direct impacts that chronic disease has on our community and preventable illnesses. We are taking the strategic steps to reduce this impact.

The efforts that our government is making to discouraging unhealthy behaviours such as smoking and encouraging healthy decisions such as active travel are already making a difference to the health of Canberrans. It just makes sense to reduce pressures on our public health system and that we continue to invest in preventative health for Canberrans, young and old.

The development of the preventative health strategy and continued support for evidence-based initiatives that address serious health issues before they become a problem will make a significant difference to the health of our city and the strength of our health system into the future.

**MR MILLIGAN** (Yerrabi) (4.50): I thank Mrs Dunne for bringing this very important matter to the attention of the Assembly. I note that this is an issue that the opposition, and Mrs Dunne in particular, have fought to highlight and resolve for the residents of Canberra. Unfortunately, I think we all are well aware of and appalled by the government's poor performance across the public health system.

What I seek to highlight today is both the empty promises to and poor performance for Canberra's Indigenous community. Recently the Australian Institute of Health and Welfare released a report on the health status of the ACT Aboriginal and Torres Strait Islander community. Whilst it is pleasing to see that there have been improvements in some areas such as rates for Indigenous health checks, immunisation rates for children and an increase in the number of children doing physical activity, there is still a long way to go in the ACT across many health indicators.

This same report identified issues of notable concern in the ACT. There is a high rate of hospitalisation for injury and poisoning. The proportion of Indigenous households living in dwellings of unacceptable standard has increased from 8.4 per cent in 2008 to 17 per cent. There are low employment rates. There are high levels of physical or threatened violence. There is a large increase in levels of psychological stress.

The rate of disability and destructive long-term health conditions was almost twice as high as for non-Indigenous residents. There is an unacceptable high rate of self-harm of Indigenous families and a high rate of hospitalisation for alcohol-related issues. This list is not exhaustive and these are just the issues of notable concern. There are many others.

Sadly, this report is not the first to raise the issues nor is it unique in its findings. It seems that no matter how many reports and reviews are commissioned, the government is just not listening. They may try to give that appearance, but action and results matter more than words. What I want to know is: where are the funded, targeted initiatives to enable the Indigenous population of Canberra to have culturally appropriate health care, let alone access to a quality public healthcare system?

I note that even evidence from the ACT Aboriginal and Torres Strait Islander Elected Body is often not taken seriously by this government. Here too the Indigenous community is subjected to more talk and empty gestures. Of concern is that the government has once again promised to fund and build a new primary healthcare centre in the inner south. Winnunga Nimmityjah Aboriginal health and community services and Gugan Gulwan Youth Aboriginal Corporation have been waiting for far too long for this investment so that they can get on with what they do best—support the Indigenous community in Canberra.

This funding has been promised for far too long and was part of the government's commitments made back in 2016. Again, the Aboriginal and Torres Strait Islander Elected Body has provided advice on this issue in their most recent report and are waiting to see whether this funding will be forthcoming.

Critically, there is still no dedicated residential drug and alcohol rehabilitation facility, despite repeated requests from not only the Indigenous community but also from health professionals and broader community stakeholders. On this matter, the government has received numerous reports, requests and advice to this effect. In fact the most recent Aboriginal and Torres Strait Islander Elected Body report also provided a specific recommendation on this exact issue.

This recommendation asked the ACT government to deliver and operate the Ngunnawal Bush Healing Farm for its original purpose: a culturally appropriate drug and alcohol residential rehabilitation facility. They have been very clear about the need for this facility and have asked the government to deliver by the end of 2018. Sadly, based on the performance to date, and more than 10 years after the original promise was made for a dedicated residential facility, I have strong doubts about the ability of this government to meet the health requirements of Indigenous Canberrans.

Just last week the minister for health reported during question time that there has been interest in the programs offered at the Ngunnawal Bush Healing Farm. But the minister was unable to confirm how many clients had received support through this service.

The truth is that the numbers remain very low and only one program has been conducted to date. This can only be because the government has built a facility at a cost of \$11.7 million that now functions as a glorified day camp. The simple truth is that it is not fit for purpose and that the Indigenous community deserves better.

Following years of empty promises and inadequate service delivery, is it not it time that the government stopped talking and put their words into action? Public health

systems are a critical component of the overall solution for Indigenous Canberrans. So too are appropriate Indigenous health services that are properly resourced.

Given the lack of progress to date, it is essential that services provided by Winnunga and Gugan Gulwan be properly resourced. Based on the failure of the very expensive and now ineffective Ngunnawal Bush Healing Farm, it seems unlikely that this government will be able to make any significant progress against the health indicators and concerns outlined by the Australian Institute of Health and Welfare. We hear a lot of talk in this chamber about closing the gap. It is time the government started delivering in the area of Indigenous health.

*Discussion concluded.*

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 4.57 pm until Tuesday, 20 March at 10 am.**

## Schedule of amendments

### Schedule 1

#### Lakes Amendment Bill 2017

##### Amendments moved by the Minister for Police and Emergency Services

1

Clause 23

Proposed new section 40 (1)

Page 15, line 5—

*omit*

2

Clause 23

Proposed new section 41

Page 16, line 1—

*omit proposed new section 41, substitute*

#### 41 Recreational boats under 4.8m and off-the-shore boats

- (1) A person commits an offence if—
- (a) the person is on a recreational boat or off-the-shore boat on a lake; and
  - (b) the person is not wearing an appropriate lifejacket.
- Maximum penalty: 30 penalty units.
- (2) A person commits an offence if—
- (a) the person operates a recreational boat or off-the-shore boat on a lake; and
  - (b) another person on the boat is not wearing an appropriate lifejacket.
- Maximum penalty: 30 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) In this section:
- off-the-shore boat***—
- (a) means a sailing boat; but
  - (b) does not include the following:
    - (i) a boat that is ballasted;
    - (ii) a boat that has a cabin or fixed keel;
    - (iii) a boat that has an engine;
    - (iv) a sailboard.

##### **Examples—par (a)**

- laser
- hobie cat
- skiff
- catamaran

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

##### ***recreational boat***—

- (a) means a boat under 4.8m; but

- (b) does not include the following:
  - (i) a kiteboard;
  - (ii) a paddleboard;
  - (iii) a sailboard;
  - (iv) a surfboard.

## 3

**Clause 23****Proposed new section 43A**

Page 17, line 11—

*insert***43A Water skiing and other recreational activities**

- (1) A person commits an offence if—
  - (a) the person is operating a recreational boat on a lake; and
  - (b) another person is—
    - (i) being towed by the boat on or over the water; or
    - (ii) wake boarding or wake surfing from the boat; and
  - (c) the other person is not wearing an appropriate lifejacket.
 Maximum penalty: 30 penalty units.
- (2) A person commits an offence if—
  - (a) the person is—
    - (i) being towed by a boat on or over a lake; or
    - (ii) wake boarding or wake surfing from a boat on a lake; and
  - (b) the person is not wearing an appropriate lifejacket.
 Maximum penalty: 30 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) In this section:

*being towed*, by a boat, includes water skiing or parasailing from a boat.*wake boarding or wake surfing* includes wake boarding or wake surfing without a rope.

## 4

**Clause 40****Proposed new dictionary definition of *inspector***

Page 73, line 24—

*omit*

section 50ZE

*substitute*

section 50ZD

## 5

**Schedule 1, amendment 1.3**

Page 80, line 10—

*omit amendment 1.3, substitute***[1.3] Schedule 1, item 18***Substitute*

18	40 (2)	30	300
19	41 (1)	30	300
20	41 (2)	30	300
21	42 (1)	30	300
22	43A (1)	30	300
23	43A (2)	30	300
24	44 (2)	30	300
25	45 (2)	30	300
26	47A (2)	30	300
27	47B (2)	30	300
28	47C (3)	30	300
29	47D (2)	30	300
30	47E (5)	30	300
31	47F (3)	30	300
32	47G (3)	30	300
33	50O (1)	30	500
34	50Q (1)	50	300
35	50R (3)	50	300
36	50X (8)	50	500
37	50ZO (3)	50	500
38	50ZP (2)	50	500
39	50ZQ (2)	50	500
40	50ZR (2)	50	500
41	50ZS (2)	50	500
42	50ZT (3)	50	500
43	58 (1)	50	1000

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## Answers to questions

### Planning—urban renewal (Question No 827)

**Ms Lawder** asked the Minister for Planning and Land Management, upon notice, on 1 December 2017 (*redirected to the Chief Minister*):

- (1) What activation events were undertaken by the Minister’s directorate as part of the urban renewal of the city program in 2016-17.
- (2) How much did each activity cost.
- (3) How many people participated in each activity.
- (4) Were any of these activities run by In The City Canberra.

**Mr Barr:** The answer to the member’s question is as follows:

- (1) A total of seven activations were undertaken or supported by City Activation during 2016-17. The details of these are in Table one below.
- (2) See Table 1 below.
- (3) See Table 1 below.
- (4) Annually In The City Canberra undertakes a range of activities. These events include:
  - a. Christmas in the City
  - b. The Curry Festival
  - c. Skate in the City

In the City Canberra also partner or sponsor a range of activity in the city – they were also a sponsor for #backyardexperiment. More information on the nature of events and activities run by In The City Canberra can be found in their annual report online.

Table 1: 2016-17 City Activations

Date	Activation	Location	Cost	Number of Visitors	Length of Activation
12 August 2016	The Forage	Odgers Lane	\$8,335.19	Not ticketed. It is estimated that approximately 3,000 people attended the event.	One day
23-30 October 2016	The Backyard Experiment	Garema Place	\$30,431.02	Street Furniture Australia reported that foot traffic during the activation increased by 190% and that the number of people who stayed increased by 247%.	Eight days

Date	Activation	Location	Cost	Number of Visitors	Length of Activation
29 October 2016	Kidscape	Haig Park	The cost of the Kidscape event is included in the cost of The Backyard Experiment.	Not ticketed. It is estimated that over 1500 people attended.	One day
December 2016	Summernats in the City	Garema Place	\$0.00	Not ticketed.	One day
10 February 2017	Showtime in the City	Petrie Plaza	\$3,974.40	Not ticketed. It is estimated 500 to 1,000 people attended.	One day
7 April 2017	You Are Here (Electric Avenues)	Haig Park	\$7,200.00	Event organisers reported more than 2,500 people attended.	One day
30 June 2017	Hurly Burley	Odgers Lane	\$20,000.00	Not ticketed. It is estimated that approximately 2,000 people attended.	One day

### Legislative Assembly—travel by members (Question No 834)

**Ms Lawder** asked the Chief Minister, upon notice, on 1 December 2017:

- (1) Why was it necessary for a delegation to travel to Zaragoza in October 2017.
- (2) When did the delegation commence.
- (3) When was the delegation completed.
- (4) When did the delegation travel and what was the composition of the delegation.
- (5) What was the total cost of the delegation, including (a) airfares, (b) travel costs within Zaragoza, (c) accommodation, (d) food and beverages (e) hospitality, (f) travel allowances, (g) meeting costs and (h) other costs.
- (6) Did any members of the delegation meet their own costs and what was the amount paid.
- (7) What were the roles of these members.
- (8) How many ACT Government officials attended Zaragoza with the Chief Minister.
- (9) How many consultants attended Zaragoza with the Chief Minister.
- (10) Did the delegation provide a report to the Government; if so, can the Chief Minister provide a copy of the report.

- (11) How many business people attended Zaragoza with the Chief Minister and can he provide detail of who these attendees were.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Please refer to my Ministerial Statement.
- (2) The delegation travel within Spain commenced on 17 October 2017.
- (3) The delegation travel within Spain concluded on 19 October 2017.
- (4) The delegation comprised of:
  - Myself - travel within Europe from 15 to 19 October 2017.
  - Ministerial adviser- travel within Europe from 15 to 19 October 2017.
  - Director-General TCCS – travel to and from Europe from 14-21 October.
  - Members of Canberra Metro consortium and board were present as CAF is one of the key subcontractors in the Light Rail project.
- (5)
  - (a) \$27, 928.97
  - (b) \$856.80
  - (c) \$3074.77
  - (d) \$124.12
  - (e) nil
  - (f) \$1,022
  - (g) nil
  - (h) nil

\*this does not include those representatives from Capital Metro
- (6) Representatives from Canberra Metro met their own costs and the ACT Government is not privy to this information.
- (7) Official representatives of the ACT Government.
- (8) One (Director-General TCCS).
- (9) Nil
- (10) As per requirements I provided a Ministerial Statement regarding the purpose of the delegation.
- (11) Nil.

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**Legislative Assembly—ministerial leave  
(Question No 859)**

**Mr Coe** asked the Chief Minister, upon notice, on 1 December 2017:

- (1) Can the Chief Minister provide the approved ministerial leave (including forward leave), including the dates of leave and acting arrangements since 1 July 2017 to date.

- (2) Can the Minister provide the dates of approved ministerial overseas travel (including forward travel), including the dates of travel, countries visited and acting arrangements since 31 October 2016 to date.

**Mr Barr:** The answer to the member's question is as follows:

- (1) See attached.  
 (2) See attached.

<b>Ministerial Acting Arrangements 1 July 2017 to 1 December 2018 (including forward leave)</b>				
<b>Minister</b>	<b>leave type</b>	<b>From</b>	<b>To</b>	<b>Acting Minister</b>
RATTENBURY	Annual	09-Jun-17	09-Jul-17	GENTLEMAN FITZHARRIS BERRY RAMSAY BARR
RAMSAY	Annual	07-Jul-17	19-Jul-17	BARR RATTENBURY
STEPHEN-SMITH	Annual	10-Jul-17	23-Jul-17	GENTLEMAN RAMSAY FITZHARRIS
BARR	Annual	14-Jul-17	23-Jul-17	BERRY
GENTLEMAN	Annual	22-Jul-17	06-Aug-17	RAMSAY BARR RATTENBURY
FITZHARRIS	Annual	09-Oct-17	15-Oct-17	RATTENBURY GENTLEMAN STEPHEN-SMITH
FITZHARRIS	Annual	20-Dec-17	02-Jan-18	RATTENBURY STEPHEN-SMITH BERRY
RAMSAY	Annual	23-Dec-17	14-Jan-18	GENTLEMAN RATTENBURY
BARR	Annual	27-Dec-17	14-Jan-18	BERRY
BERRY	Annual	15-Jan-18	31-Jan-18	GENTLEMAN RAMSAY FITZHARRIS BARR
STEPHEN-SMITH	Annual	02-Jan-18	15-Jan-18	BERRY FITZHARRIS GENTLEMAN
FITZHARRIS	Annual	05-Feb-18	11-Feb-18	RATTENBURY GENTLEMAN BERRY

<b>Acting arrangements during approved ministerial overseas travel - 31 October 2016 - 1 December 2017 (including forward travel)</b>				
<b>Minister</b>	<b>leave type</b>	<b>From</b>	<b>To</b>	<b>Acting Minister</b>
Gentleman	USA	15/04/2018	29/04/2018	<i>To be confirmed</i>
Barr	USA	22/02/2018	02/03/2018	BERRY

<b>Acting arrangements during approved ministerial overseas travel - 31 October 2016 - 1 December 2017 (including forward travel)</b>				
<b>Minister</b>	<b>leave type</b>	<b>From</b>	<b>To</b>	<b>Acting Minister</b>
Barr	New Zealand	19/11/2017	22/11/2017	BERRY GENTLEMAN RAMSAY
Barr	USA	07/10/2017	14/10/2017	BERRY FITZHARRIS
Barr	German, Spain	15/10/2017	21/10/2017	GENTLEMAN RAMSAY
Gentleman	Singapore, Germany, Czech Republic, Belgium, Denmark	28/08/2017	08/09/2017	RATTENBURY
Barr	China and Hong Kong	26/08/2017	31/08/2017	BERRY
Barr	Singapore, Hong Kong, Japan	21/06/2017	03/07/2017	BERRY
Berry	Singapore, Finland	14/05/2017	22/05/2017	RAMSAY GENTLEMAN STEPHEN- SMITH BARR
Fitzharris	USA, Canada	14/05/2017	27/05/2017	STEPHEN- SMITH GENTLEMAN BARR
Barr	Singapore	21/04/2017	28/04/2017	BERRY FITZHARRIS RAMSAY
Rattenbury	Marrakech	11/11/2016	21/11/2016	GENTLEMAN BERRY FITZHARRIS RAMSAY
Barr	Wellington	14/11/2016	16/11/2016	BERRY

### **Same-sex marriage—public artworks (Question No 863)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 1 December 2017:

- (1) Was the rainbow art in Garema Place commissioned by the ACT Government; if so, can the Minister provide (a) what Minister or agency commissioned the art, (b) when was the art commissioned, (c) how was the artist selected and (d) what instructions were given to the artist.
- (2) What sites have been used, or identified for potential use, for murals or other public art in response to the “Yes” vote in the Australian Marriage Law Postal Survey or to otherwise display a rainbow or lesbian, gay, bisexual, transgender, intersex and

questioning (LGBTIQ) design and for each site can the Minister provide the approximate area of the mural.

- (3) Can the Minister provide a breakdown of the cost, or proposed budget, for each mural or piece of public art in response to the “Yes” vote in the Australian Marriage Law Postal Survey or otherwise displaying a rainbow or LGBTIQ design, including (a) design, (b) procurement, (c) artist costs, (d) materials, (e) installation, (f) maintenance and (g) promotion.
- (4) Will Transport Canberra and City Services (TCCS) invite expressions of interest from local artists for further murals or public art in response to the “Yes” vote in the Australian Marriage Law Postal Survey or to otherwise create a display of a rainbow or LGBTIQ design; if so, can the Minister provide (a) how will TCCS promote the expression of interest process, (b) what guidelines, if any, will be given to artists, (c) how will the successful design or artist be selected, (d) what criteria will be used to determine the successful design or artist and (e) the timeframe from opening the expression of interest to the work being completed; if not, can the Minister provide (a) whether designs will be sourced internally within the ACT Government, or through invitation to select artists, (b) what guidelines, if any, will be given to artists or employees designing the mural, (c) how will the successful design or artist be selected, (d) what criteria will be used to determine the successful design and (e) the timeframe from opening the expression of interest to the work being completed.
- (5) Will further mural or pieces of public art in response to the “Yes” vote in the Australian Marriage Law Postal Survey or displaying a rainbow or LGBTIQ design be installed; if so, when and where.
- (6) How long will each mural or piece of public art in response to the “Yes” vote in the Australian Marriage Law Postal Survey or displaying a rainbow or LGBTIQ design be displayed.
- (7) How many public servants were involved in the procurement and installation process of the rainbow mural in Garema Place and in what capacity.

**Ms Fitzharris:** The answer to the member’s question is as follows:

- (1) Yes, the rainbow art in Garema Place was commissioned by the ACT Government.
  - a. TCCS commissioned the art.
  - b. September 2017.
  - c. Single Select engagement based upon previous public art projects, in accordance with the ACT Procurement guidelines.
  - d. The artist was instructed to create a rainbow artwork to be painted on a pavement surface in support of the LGBTIQ community.
- (2) The following sites were chosen as part of the ACT Government’s support for the LGBTIQ community.

Garema Place	150sqm2
Elouera Street Braddon	186sqm2

- (3) **Garema Place Artwork**

Design	\$0
Procurement	\$0

Artist Costs	\$3,700 (ex GST)
Materials – Included in artists fee	
Installation – included in artist fee	
Maintenance	\$0
Promotion	\$0

#### **Roundabout – Lonsdale Street**

Design	\$0
Procurement	\$0
Artist Costs	\$0
Materials	\$3,961.50 (ex GST)
Installation (traffic management)	\$1,400 (ex GST)
Maintenance	\$0
Promotion	\$0

- (4) It is not anticipated that TCCS will undertake further murals.
- (5) There are no further murals or public artworks currently proposed by the ACT Government.
- (6) The murals that have been installed in Garema Place and on Lonsdale Street do not have a nominated display period at this stage.
- (7) Two staff members from the CRA and one staff member from TCCS were involved in the installation of the Garema Place artwork.

### **National broadband network—local deployment (Question No 871)**

**Mrs Kikkert** asked the Minister for Transport and City Services, upon notice, on 1 December 2017 (*redirected to the Acting Minister for Transport and City Services*):

- (1) What monitoring and auditing of local NBN deployment has been undertaken to ensure compliance with relevant planning laws, codes, regulations or guidelines, and by whom.
- (2) What local government body is responsible for the management of NBN deployments in residential areas of the ACT.
- (3) What other measures are being taken by the ACT Government to manage the rollout of the NBN in the ACT and to ensure nodes and other equipment are installed in community sensible locations in line with the relevant planning laws, codes, regulations and guidelines.
- (4) To which local government body should complaints or concerns to do with local NBN deployment be presented to, for example, Transport Canberra and City Services or environmental planning.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) No monitoring of the local NBN is undertaken by the ACT Government, with the exception of certificate of electrical safety for the connections to the electrical network for the node as a precursor to energisation, by ACTEWAGL Distribution.
  - (2) The NBN is regulated by the Australian Government.
  - (3) Transport Canberra and City Services' (TCCS) role is to ensure NBN installation does not adversely impact on the quality of Territory owned assets such as paths, roads, utility services, trees and street lighting.
  - (4) TCCS is the Directorate responsible for actioning complaints or concerns relating to the damage of Territory assets or the inconvenience to the operation of facilities such as paths and approved driveways.
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### **Water—Lake Burley Griffin (Question No 891)**

**Ms Lee** asked the Chief Minister, upon notice, on 16 February 2018 (*redirected to the Minister for Regulatory Services*):

- (1) When did the ACT Government grant approval for water to be pumped from Lake Burley Griffin to Parliament House.
- (2) Are there any conditions under which approval was granted; if so, what are those conditions.
- (3) Does this approval have an expiry or renewal date; if so, what is that date.
- (4) What financial considerations, if any, are involved in the arrangement.
- (5) Was there any assessment undertaken to consider the environmental impacts of this arrangement; if so, (a) when was the assessment undertaken, (b) what were the results of that assessment and (c) have the results of the assessment been made public; if not, (a) why wasn't an assessment undertaken and (b) does the Government have any plans to undertake a review of the environment impacts of this arrangement.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) The ACT Government issued a Water Access Entitlement (WAE) to the Commonwealth Department of Parliamentary Services (DPS) on 28 November 2014. A Licence to Take Water, based on the WAE has not yet been granted. A Licence may be issued once physical infrastructure for water abstraction has been installed and DPS apply for a Licence.
- (2) The WAE restricts water use to Parliament House (Capital Hill Block 2 Section 1; Block 2 Section 10; Block 2 Section 11; Block 1 Section 12 and Block 1 Section 13) and cannot be traded. If a Licence is granted there will be a number of conditions (e.g. reporting, metering, and annual volume of water use) in the Licence.

- (3) The WAE, once issued, does not have an expiry date. Licences can be issued for a specific period or as ongoing instruments.
  - (4) Fees for WAEs, Licences, and water use are specified in the *Water Resources Act 2007* fee determination.
  - (5) Assessments of the issue and imposing of conditions for WAEs and Licences are performed in accordance with instruments of the *Water Resources Act 2007* (Water available from areas determination; Environmental flow guidelines; and Efficient use guidelines). Additionally, in the case of water extraction from Lake Burley Griffin, the Lake Burley Griffin Management Plan produced by the National Capital Authority is considered.
    - (a) An assessment of the WAE application from DPS was undertaken during November 2014.
    - (b) The assessment determined water was available for issue from the Water Management Area and the request for 115 megalitres was below the efficient use guideline for the site.
    - (c) The WAE is listed on the *Water Resources Act 2007* public register [http://www.environment.act.gov.au/environment/legislation\\_and\\_policies/act\\_water\\_resources/epa\\_search](http://www.environment.act.gov.au/environment/legislation_and_policies/act_water_resources/epa_search)
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### **ACT Ambulance Service—staffing (Question No 897)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 16 February 2018:

In relation to the answer to question on notice No 662, part (2), of the (a) 222 emergency ambulance shifts in 2015-16, (b) 303 emergency ambulance shifts in 2016-17 and (c) 115 emergency ambulance shifts in 2017-18 (to 6 December 2017), which fell below minimum crewing, how many emergency ambulance crews were rostered for each of these shifts.

**Mr Gentleman:** The answer to the member's question is as follows:

There are two ambulance shifts per day (day shift / night shift), which equates to approximately 730 shifts per year. Providing a response to this question would require each shift since 1 July 2015 to be analysed. This will take a considerable amount of staff time and resources to answer, and unreasonably redirect ACT Emergency Service Agency personnel away from important functions. As such, I have determined it is not appropriate to provide a response to this question.

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### **ACT Ambulance Service—staffing (Question No 898)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 16 February 2018:

In relation to the answer to question on notice No 662, part (2), of the (a) 222 emergency ambulance shifts in 2015-16, (b) 303 emergency ambulance shifts in 2016-17 and (c) 115 emergency ambulance shifts in 2017-18 (to 6 December 2017), which fell below minimum crewing, (i) on what dates did this occur and (ii) were they during the day or night shift.

**Mr Gentleman:** The answer to the member's question is as follows:

There are two ambulance shifts per day (day shift / night shift), which equates to approximately 730 shifts per year. Providing a response to this question would require each shift since 1 July 2015 to be analysed. This will take a considerable amount of staff time and resources to answer, and unreasonably redirect ACT Emergency Service Agency personnel away from important functions. As such, I have determined it is not appropriate to provide a response to this question.

### **Environment—pesticides (Question No 914)**

**Ms Le Couteur** asked the Minister for the Environment and Heritage, upon notice, on 16 February 2018:

- (1) In relation to the Intergovernmental Agreement on AgVet Chemical Regulation and its impact on the regulation of pesticides in the ACT, which parts of the Agreement has the ACT Government actioned, not actioned, or will not action.
- (2) What are the timelines of full implementation of the actionable elements of the Agreement.
- (3) Has the ACT Government updated any legislation or codes to reflect the higher standards in the Agreement since the Agreement was signed.
- (4) What have been the impacts of the implementation of the AgVet Code in the ACT pursuant to clause 5(b) of the Agreement.
- (5) What processes and procedures has the ACT Government implemented to ensure that the Government is adhering to the updated code, particularly in relation to land management and city services.
- (6) Has the ACT Government examined the impact on food security, community gardens, wild food crops and bees in the ACT as a result of the use of chemicals in land management in the ACT.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) The ACT is supportive of all aspects of the Intergovernmental Agreement on Agvet Chemical Regulation and is an active participant on the current harmonisation reforms projects being progressed by the national Agvet Chemicals Task Group (ACTG) and associated working groups. Where appropriate, the ACT Government will implement the agreed actions of the Task Group when endorsed by relevant Ministers. The current harmonisation projects being progressed by ACTG relate directly to the implementation actions in the IGA. Agvet chemical use is regulated by the

Environment Protection Act 1997 (the Act) in the ACT. The Act is administered by the Environment Protection Authority in Access Canberra. The mechanism to implement the harmonisation initiatives will be through the conditions that apply to the Environment Authorisations for pesticide operators in the ACT. It is anticipated that these national reforms will be finalised in 2018-19.

- (2) Minimum record keeping requirements for Agvet chemical users were agreed by the Agricultural Ministers Forum in June 2017, have been implemented in Victoria and NSW, but are yet to be implemented elsewhere. In the ACT these requirements will be implemented through amendments to pesticide operators Environmental Authorisations.

A discussion paper on minimum training and licensing requirements for Agvet chemicals closed for public consultation on 22 December 2017 and a final proposal will be presented for jurisdictional endorsement early in 2018.

A proposal for harmonised off-label Agvet chemical use is currently out for public consultation and will be ready for endorsement by mid-2018.

Proposals for harmonising record keeping requirements for the use of veterinary chemicals in food-producing species and an approach to off-label use of Agvet chemicals will be ready for endorsement by mid-2018 and December 2018, respectively.

Agvet Chemicals Task Group is also considering a proposal to improve national coordination of produce monitoring given the potential synergies with the proposal for a harmonised off-label use to be delivered by the end of 2018.

- (3) No. However, in the absence of specific legislation and limited agricultural activity in the ACT, the ACT position remains that the Australian Pesticides and Veterinary Medicines Authority (APVMA) is the appropriate authority to issue any off-label permits in the ACT and most other provisions can be addressed through Environmental Authorisations issued under the Environment Protection Act 1997. The supporting Regulations also contain offence provisions for failure to use Agvet chemicals in accordance with the APVMA approved use.
  - (4) There have been no impacts in the ACT due to relatively small agricultural sector and current licensing of pesticide operators in the ACT by the EPA.
  - (5) Like non-government parties, ACT Government agencies are required to hold an Environmental Authorisation for the commercial use of Agvet chemicals in the ACT. This will continue as the new Agvet provisions are rolled out. Authorisations are also subject to review by the EPA in accordance with the requirements of the Act.
  - (6) The APVMA is responsible for assessing and registering chemicals for use in Australia and consider risks to human health and the environment. To address these risks the APVMA approves directions on the quantity and use of Agvet chemicals in the environment on the label instructions for the products. Agencies which use Agvet chemicals in the ACT are authorised under the Environment Protection Act 1997 by the EPA which requires them to have the appropriate competencies and comply with the conditions of use approved by the AVPMA on the label for the product.
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**Environment—superb parrot habitat  
(Question No 920)**

**Ms Le Couteur** asked the Minister for the Environment and Heritage, upon notice, on 16 February 2018:

- (1) What is the ACT Government doing to ensure the protection of the superb parrot habitat in the ACT.
- (2) What current or future development areas will impact on superb parrot habitats.
- (3) What actions is the Government taking to ensure that these new developments do not adversely affect superb parrots, their hollows, or their flyways.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) All known breeding habitat is protected within existing Nature Reserve, the Central Molonglo preserved area or rural lease within the Molonglo Valley.
- (2) None of the known breeding habitat is proposed for development, currently or in the future.
- (3) Radio tracking of birds breeding in the Goorooyaroo Nature Reserve has indicated that they spend 30% of their time foraging in the suburbs. Planning for new suburbs includes the provision of favoured food plants such as wattles, eucalypts and elms, and protecting remnant trees in flyways identified by the tracking of birds.

The ACT Government is funding a research and monitoring program to gauge the breeding success, competitive interactions, foraging habitat and movement pathways of the Superb Parrot in the ACT. Management actions will be informed by this research. Throsby is the only development near a breeding area. The number of breeding pairs has varied over the last three years from 5 -10 pairs but this appears related to environmental conditions and the rate of breeding success has remained constant.

**Questions without notice taken on notice**

**Tuggeranong—CIT car park lighting**

**Ms Fitzharris** (*in reply to a question and a supplementary question by Ms Lawder on Tuesday, 19 September 2017*):

Roads ACT has determined there are two existing streetlights adjacent to the car park, with outreach arms facing towards the street. The outreach arms will be modified to also face towards the carpark from the same streetlight columns. This will illuminate a section of the car park, enabling students to park safely along the car spaces closest to the two streets (Cowlshaw and Reed North Streets). The modifications to lighting will be made by the end of February 2018.

Roads ACT will continue to monitor the usage of the carpark by conducting traffic counts, and further action to increase lighting undertaken if required. Roads ACT welcomes feedback from car park users on the lighting.

**Tuggeranong—CIT car park lighting**

**Ms Fitzharris** (*in reply to a supplementary question by Mr Wall on Tuesday, 19 September 2017*):

The Anketell Street lighting upgrade was part of a separate program and associated with the landscaping and upgrade works.

With regard to lighting for the personal security of CIT students, Roads ACT has determined there are two existing streetlights adjacent to the car park, with outreach arms facing towards the street. The outreach arms will be modified to also face towards the car park from the same streetlight columns. This will illuminate a section of the car park, enable students to park safely along the car spaces closest to the two streets (Cowlshaw and Reed North Streets). The modification to lighting will be made by the end of February 2018.

Roads ACT will continue to monitor the usage of the car park by conducting traffic counts, and further action to increase lighting undertaken if required. Roads ACT welcomes feedback from car park users on the lighting.